

# TENDER FILE / TERMS OF REFERENCE

## (Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

### Purchase of national consultancy services in the areas of freedom of expression and media, media literacy, as well as capacity-building for media and legal professionals

#### **Contract N° BH9281/2025/11**

The Council of Europe is currently implementing a Project on “Advancing Media Freedom in the Republic of Moldova”, (January 2025 - December 2028). The project aims to further support strengthening freedom of expression and capacity of the audiovisual regulator, public broadcaster, ongoing institutionalised efforts of Moldovan authorities in countering information disorder, improving media literacy, strengthening the society’s resilience against disinformation campaigns as well as implementation of legislation on access to information, transparency in decision making process.

In that context, it is looking for Provider(s) for the provision of national consultancy services in order to support the implementation of the project activities with a particular expertise on media freedom, freedom of expression, access to public information, countering defamation and Strategic lawsuit against public participation (SLAPP), disinformation and media literacy, public service broadcasting and production of documentaries, audiovisual regulation and other relevant areas as well as participating and delivering presentations/speeches in capacity of experts/consultants on assigned topics (described above). The national consultancy services will be requested by the Council on an as needed basis.

#### 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 €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 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. 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 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: Tender - national consultancy services in the field of freedom of expression.** 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 - national consultancy services in the field of freedom of expression**

Type of contract ▶	Framework contract
Duration ▶	Until 31 December 2028, renewable until 31/12/2029
Deadline for submission of tenders/offers ▶	<b>15 April 2025 23h59 CET</b>

<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>Email for submission of tenders/offers ▶</b>	<b>mediaproject@coe.int</b>
<b>Email for questions ▶</b>	mediaproject@coe.int
<b>Expected starting date of execution ▶</b>	01 May 2025

## B. EXPECTED DELIVERABLES

### Background of the Project

The Project on “Advancing Media Freedom in the Republic of Moldova”, (January 2025 – December 2028) aims to further support strengthening freedom of expression and capacity of the audiovisual regulator, public broadcaster, ongoing institutionalised efforts of Moldovan authorities in countering information disorder, improving media literacy, strengthening the society’s resilience against disinformation campaigns as well as implementation of legislation on access to information. A particular focus has been placed on improved audiovisual legislation in line with Council of Europe and EU standards, including those related to gender equality, and its proper implementation by the key regulatory authorities, the enhanced understanding and implementation of the new Moldovan legislation on access to information of public interest in line with the Council of Europe standards, support to the public broadcaster and initiatives in new media by independent media outlets as well as addressing challenges of information disorder.

The activities are structured around three components:

**Component 1:** Further improvement of audiovisual, media, and access to information, transparency in the decision-making process regulatory legal framework in light of previous Council of Europe recommendations and requirements of the EU accession negotiations and support for its implementation.

**Component 2:** Strengthening the capacities of media professionals, independence of the public service broadcaster and its documentary films department.

**Component 3:** Building capacity of national authorities and civil society in countering information disorder, raising media literacy and public awareness in this area.

The Project is funded and implemented under the Council of Europe Action Plan for Moldova 2025-2028.

The Council of Europe is looking for up to 10 (ten) Providers per each Lot (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on media freedom, freedom of expression, access to public information, countering defamation and SLAPPs, disinformation, media literacy, public service broadcasting, documentary making, audiovisual regulation and other relevant areas.

This Contract is currently estimated to cover up to 50 activities, to be held by 31 December 2028. 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 2 million 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 Council of Europe.

### Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the project and is divided into the following lots:

Lots	Maximum number of Providers to be selected
<b>Lot 1: Assessment, review, legal advice and policy support to the existing audiovisual, media, freedom of expression and access to information regulatory legal framework in light of previous Council of Europe recommendations and requirements of the EU accession negotiations and support for its implementation</b>	10

<p>Topics within this Lot will include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. EU Audiovisual Media Services Directive, European Media Freedom Act and the Council of Europe standards in the area of audiovisual regulation, media pluralism;</li> <li>2. European best practices on transparency of media ownership, access to information, transparency in the decision-making process;</li> <li>3. European best practices for oversight capabilities in the field of freedom of expression and media regulation;</li> <li>4. Anti-SLAPPs measures, Council of Europe Recommendations and the EU anti-SLAPP directive;</li> <li>5. European best practices on media monitoring, with a particular focus on election monitoring.</li> </ol>	
<p><b>Lot 2: Expert contributions, capacity-building and trainings to enhance the capacities and independence of the Public Service Broadcaster, its documentary films department and independent media outlets, including on safety of journalists</b></p> <p>Topics within this Lot will include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Best practices in planning and production of documentary films on human rights;</li> <li>2. Support to independent media outlets in the development of new-media successful products and initiatives (such as storytelling, podcasts, videos, longreads, and other multimedia resources) on topics such as combatting disinformation, gender equality, hate speech, high quality journalistic investigations, youth/educational policy, national minorities, inclusion, documentation of war-crimes and other issues of public interest;</li> <li>3. Practices and trends in digitization, marketing strategies, multimedia development and promotion of media content;</li> <li>4. Building capacities of media professionals on various topics and themes;</li> <li>5. Standards on the protection of journalism and safety of journalists and other media actors.</li> </ol>	10
<p><b>Lot 3: Raising awareness activities, implementation, development of strategies towards building capacity of national authorities and civil society in countering information disorder, raising media literacy and public awareness in this area.</b></p> <p>Topics within this Lot will include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Best practices and legal framework in the field of regulation of information disorder;</li> <li>2. European best practices in strengthening the resilience of citizens against a challenging informational space;</li> <li>3. Information disorder and emerging new challenges (false news, deep fakes etc.) in the media;</li> <li>4. Use of Artificial Intelligence (AI) in countering disinformation;</li> <li>5. Promoting media literacy and informational resilience among citizens;</li> </ol>	10

The Council will select the abovementioned number of Provider(s) per lot, provided enough tenders meet the criteria indicated below. Tenderers are invited to indicate which lot(s) 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:

**Under Lot 1** “Assessment, review, legal advice and policy support to the existing audiovisual, media, freedom of expression and access to information regulatory legal framework in light of previous Council of Europe recommendations and requirements of the EU accession negotiations and support for its implementation”:

- Preparing legal opinions, policy advice, guidance, assessments, reviews of national laws, policies, and regulations pertaining to a wide range of issues related to media freedom, freedom of expression, countering defamation and SLAPPs, disinformation and other relevant areas, with the purpose in aligning national audiovisual legislation in line with EU requirements, directives and acts;
- Support in the implementation of the recommendations and priorities of the National Program for the development of mass media (adopted in 2023);
- Support in building effective protection mechanisms to ensure safety of journalists;
- Assistance in steps aimed at de-oligarchisation of the media market;
- Support in extending requirements on transparency of ownership to online and print media, as well as further support in the implementation of the access to information legal framework in the country;
- Supporting the activities related to promotion and raising awareness about the latest standards and recommendations published by the Council of Europe in the field of freedom of expression and media pluralism;
- Draft, in co-operation with international consultants when required, policy documents, methodologies, or legal proposals, normative acts, expert opinions, recommendations etc on relevant aspects related to the theme of the lot;
- Participation and contribution to conferences, roundtables, seminars, trainings, consultation meetings and other relevant events with national stakeholders, including through moderating/facilitating discussions and delivering presentations.

**Under Lot 2** “Expert contributions, capacity-building and trainings to enhance the capacities and independence of the Public Service Broadcaster, its documentary films department and independent media outlets, including on safety of journalists” concerns producing outputs addressing:

- Needs of the national public service broadcaster, Teleradio-Moldova (TRM) to be independent, neutral and diversify its content, as well as support to independent media professionals in order to strengthen the media environment in the Republic of Moldova;
- Support to the TRM’s Documentary Films Department, Telefilm-Chisinau, in production of documentaries addressing human rights, the state of media freedom;
- Building capacity of media professionals to report and overcome challenges during elections cycle, which the Republic of Moldova is to enter in 2025;
- Support to policy-making entity, responsible for developing media policies and working in this field, including;
- Conceptual support and expert assistance to several independent media outlets in the development of successful new-media products and initiatives on key relevant issues as combatting disinformation, gender equality, hate speech, high quality journalistic investigations, youth/educational policy, national minorities, inclusion, documentation of war-crimes and other issues of public interest.

**Under Lot 3** “Raising awareness activities, implementation, development of strategies towards building capacity of national authorities and civil society in countering information disorder, raising media literacy and public awareness in this area” concerns:

- Providing expert support and guidance to the relevant institutions and audiovisual regulatory bodies, by developing strategies, technical papers, campaigns, conducting awareness raising and outreach activities, workshops trainings/seminars, round-tables, including through facilitating discussions, mentoring and delivering presentations/training materials with relevant case-studies, in terms of:
  - a) media and information literacy;
  - b) countering disinformation;
  - c) European practices and trends in tackling and combating information disorder

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 for the lot concerned.

In terms of **quality requirements**, the pre-selected Service Providers must ensure, *inter alia*, that:

- The services are provided to the highest professional/academic standard;
- Any specific instructions given by the Council – whenever this is the case – are followed.

If contracted by the Council of Europe, the deliverables shall be provided personally by the persons identified in the offer of the Provider whose CVs have been presented to the Council of Europe (See section E. below), in accordance with the terms as provided in the present Tender File and Act of Engagement.

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 Romanian/English (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).

### 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 are final and not subject to review.

The Council will indicate on each Order Form (see Section D below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

### 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 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 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<sup>2</sup> (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;

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<sup>2</sup> 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.

- 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.

### 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)<sup>3</sup>

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;
- are subject to restrictive measures applied by the United Nations Security Council or the European Union. In the case of legal persons, the restrictive measures imposed on the tenderer's owner(s) or executives will also exclude the tenderer from participating in this tender procedure.

#### *Eligibility criteria*

- A university degree in law, human rights, public policy, social sciences, political sciences, international relations, public administration, journalism, marketing, or in another relevant field;
- Minimum 5 years of professional experience and expertise in one or several areas, mentioned as topics of Lots I-III, including media freedom, freedom of expression, access to public information, countering defamation and SLAPPs, disinformation and media literacy, public service broadcasting, media development, audiovisual regulation (see above and the AoE);

<sup>3</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 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).

- Knowledge of Romanian language at the native level;

#### *Award criteria*

- Quality of the offer (80 points), including:
  - Thematic expertise (related to media law, media reporting, public service broadcasting, audiovisual regulation, media and information literacy, SLAPPs, countering disinformation, capacity-building for media and legal professionals) gained from experience in drafting knowledge products such as books, articles, research and policy papers, baseline and comparative studies, desk reviews, legal advice/opinions, assessments, gap analysis, recommendations, handbooks, etc. and/or thematic expertise gained from experience in developing or applying methodologies, protocols, guidelines, toolkits, courses, teaching/learning materials or from carrying out trainings, etc. – 60 points;
  - Previous experience in the relevant type of activity and/or conducting work in international context/ within international organisations – 20 points.
- Financial offer (20 points).

The Council reserves the right to hold interviews with tenderers.

Multiple tendering is not authorised.

#### F. NEGOTIATIONS

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

#### G. DOCUMENTS TO BE PROVIDED

- **A completed and signed copy of the Act of Engagement<sup>4</sup>** (See attached);
- A list of all owners and executive officers, for legal persons only;
- Registration documents, for legal persons only;
- **For natural persons only:** a detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- **For legal persons only:** a detailed CV of each natural person allocated to the execution of the contract demonstrating clearly that they fulfil the eligibility criteria;
- **For consortia only:** a detailed CV of all consortium members clearly demonstrating that they satisfy the eligibility criteria;
- Up to three samples of written products (relevant legal opinions, reports, assessments, articles, research, analysis, multimedia products, event/workshop presentations, documentaries or other relevant material) produced in the last 5 years, attributable to the tenderer, or to each natural person allocated to the execution of the contract (for legal persons only), or to each consortium member (for consortia only) shall be submitted in Romanian or English, by the tenderer covering challenges with regards to the specific and/or preferred fields of expertise.

**All documents shall be submitted in English (with the exception of legal registration documents and samples of work), 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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<sup>4</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.