

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of consultancy services on graphic design

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Within the framework of the Action Plan for Ukraine 2018 – 2021, the Council of Europe is currently implementing a project on "Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine" (hereinafter – 'the Project'). In that context, it is looking for Provider(s) for the provision of services on graphic design support of Project implementation to 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 €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 natural person, or a duly registered private entrepreneur in accordance with the Ukrainian legislation. If contracted by the Council of Europe, the signatory of the Act of Engagement shall provide the deliverables personally, in accordance with the terms as provided in the current Tender File, Act of Engagement and future Order Forms (see Section D below on ordering procedure).

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\_GRAPHICS**. 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\_TENDER\_GRAPHICS.**

|   |                          |
|---|--------------------------|
| Type of contract ►                          | Framework contract       |
| Duration ►                                  | Until 31 March 2020      |
| Deadline for submission of tenders/offers ► | <b>23 September 2019</b> |
| Email for submission of tenders/offers ►    | <b>REPU@coe.int</b>      |
| Email for questions ►                       | REPU@coe.int             |
| Expected starting date of execution ►       | 26 September 2019        |

<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 1393 of 20 June 2019 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

Within the framework of the Council of Europe Action Plan for Ukraine 2018 – 2021, the Council of Europe is implementing the Project on “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine”. The main objective of the Project is to improve integrity, transparency and quality of the electoral process in Ukraine both nationally and locally. Project activities are aimed at:

- (1) improving the quality of the electoral process through raising the legal and political culture of electoral stakeholders involved into electoral process, including electoral contestants and voters;
- (2) ensuring modern approaches and technologies to organise and conduct elections are applied in line with the European electoral standards and good practices;
- (3) increasing integrity of electoral process due to more professional election management and impartial election observation in line with European electoral standards and good practices;
- (4) forming gender sensitive and participatory political environment.

The implementation of the Project is planned by 31 March 2020.

The Council of Europe is looking for a maximum of *three* Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on graphic design.

This Contract is currently estimated to cover up to *twenty activities*, to be held by 31 March 2020. 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 500,000 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.

### Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide expert advice and technical support to the Project team according to the instructions received and in close cooperation/coordination with the Project’s communications consultant, which may include but not be limited to:

- developing visibility items’ design (brochures, flyers, roll-ups, advertisements, presentations, infographics etc.) for public and media events related to the Project implementation in line with the Council of Europe communication strategy, visibility guidelines and requirements;
- preparing relevant graphic illustrations for publications (handbooks, toolkits, news items, articles, Facebook posts, press releases, interviews, newsletters etc.);
- ensuring that all visibility actions are carried out in line with the Council of Europe communication policy and according to the Council of Europe Visual identity (Graphic Charter, Guidelines for use of social media etc.);
- monitoring and informing the Project team about any relevant developments which should be considered in Project’s communication and visibility strategy.

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.

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.

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 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 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 the required deadlines); 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 1 (one) working day 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;
- 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>

<sup>2</sup> It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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;
- 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.

#### *Eligibility criteria*

- Higher education degree in IT, design, fine arts, journalism, communications, public relations or a related field;
- At least three years of professional experience relating to graphic design, previous work with international organisations would be an asset.

#### *Award criteria*

- Quality of the offer (80%), including:
  - Professional experience in the field of graphic design proven by samples of previously created graphic materials (infographics / posters / roll-ups / other visibility items), etc.
- Financial offer (20%).

The Council reserves the right to hold interviews with eligible 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 detailed CV in English, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- FOR PRIVATE ENTREPRENEURS only: scanned copy of registration documents;
- 10 –15 samples and/or links to samples of previously developed materials (infographics / posters / roll-ups / other visibility items etc.) in Ukrainian, English or any other language.

**All documents shall be submitted in English, except registration documents for private entrepreneurs to be submitted in Ukrainian and samples of previous work to be submitted as specified above, 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.**

**All documents should be submitted either in PDF or in MS Word (DOC/DOCX) format. 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.**

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

<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.