

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

Contract N° 9153/2023/6-1



Purchase of services for designing and conducting research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine among the selected groups of stakeholders.

The Council of Europe is currently implementing the Project "Safeguarding Freedom of Expression and Freedom of Media in Ukraine" (hereinafter "the Project") under the Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026) (hereinafter "the Action Plan for Ukraine"). Within this co-operation framework, the Council of Europe intends to directly address consequences of the armed aggression in Ukraine by facilitating specific actions of key public service institutions in the country.

Through its previous media projects implemented in Ukraine, the Council of Europe has been supporting the formation of a public broadcaster at various stages of its development. On 19 January 2017, the Public Broadcasting Company of Ukraine was officially registered, and in 2017-2023, it experienced organisational and structural transformations from the state to a public service broadcasting company. The company has continued undergoing further developments to ensure its efficient functioning in line with European standards and good practices.

The Project is supporting the Public Broadcasting Company of Ukraine in its further transformation by commissioning research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by the public authorities. The research will be based on the data obtained from the in-depth expert interviews with representatives of the Ukrainian legislative and executive authorities. The aim of the research is to carry out the baseline assessment of the current situation and develop recommendations for further enhancement of co-operation between the Public Broadcasting Company of Ukraine and the public sector **(See Section A of the Act of Engagement)**.

To obtain quantitative data necessary for the research, the Service Provider is expected to provide:

- **Deliverable 1:** Develop methodology for conducting in-depth interviews on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by representatives of the Ukrainian legislative and executive authorities, including the questionnaire for the interviews.
- **Deliverable 2:** Develop a schedule, arrange, and carry out the in-depth interviews with at least 50 stakeholders.
- **Deliverable 3:** Conduct research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine based on the data received at the interviews (Deliverable 2).
- **Deliverable 4:** Finalise and present in the technical paper the results of the study on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by representatives of the Ukrainian legislative and executive authorities.

A. TENDER PROCEDURE 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. All tenderers will be informed in writing of the outcome of the procedure.

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

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](#).

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: "9153/2023/6-1 – Research for the PBCU"**. 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 before 7 February 2024 (23h59 CET) and shall be exclusively addressed to the email address indicated below with the following reference in subject: "9153/2023/6-1 – Questions"**.

Type of contract ▶	One-off contract
Duration ▶	Until full 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 ▶	14 February 2024 (23h59 CET)
Email for submission of tenders/offers ▶	DG1.FoE.Ukraine@coe.int
Email for questions ▶	DG1.FoE.Ukraine@coe.int
Expected starting date of execution ▶	20 March 2024

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (See attached).

All deliverables and services are expected to be provided by 23 June 2024. Please note that the bidding offer may include an alternative timetable, which will be assessed against the award criteria.

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.

C. ASSESSMENT

Exclusion criteria and absence of conflict of interests

(by signing the Act of Engagement,² 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:

- 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;
- 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.

Eligibility criteria

Tenderers should demonstrate that they fulfil the following criteria:

² 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.

- Have **at least three (3) years of experience** (both for the legal persons / members of the consortia and their assigned team members) in providing services similar to the deliverables described in Section A of the Act of Engagement;
- Be **a legal person or consortia of legal and/or natural persons**; and **have legal rights to deliver services** listed in Section A of the Act of Engagement (e.g. registered types of the economic activities, license or other);
- Have **at least three (3) team members** (within the legal person or the consortium) assigned to the implementation of the contract;
- All the assigned team members / members of the consortia shall have **at least C2 level of Ukrainian language** (speaking, reading, listening and writing) and at least one (1) team member /member of the consortia should have **at least C1 level of English language** (speaking, reading, listening and writing);
- **No previous record of employment with the stakeholder or its legal predecessor(s) and adherence to the stakeholders "no conflict of interest" and "zero tolerance to corruption" principles.** Any direct or indirect connection to the stakeholder should be fully described to ensure no conflict of interest; the reputation of the Tenderer should not harm the stakeholder and its business activities. The self-declaration should be included in the technical proposal.
- *The self-declaration should be included in the technical proposal.*

Award criteria

- Quality of the offer (80%), which includes:
 - (40%) professional expertise: professional portfolio and relevance and level of the tenderer's previous experience in carrying out similar tasks; quality of samples provided with the offer and references;
 - (30%) technical proposal: technical and human resources to be assigned to the implementation of the contract; proposed methodology;
 - (10%) ability to carry out services within the indicated timeframe.
- Financial offer (20%).

Multiple tendering is not authorised.

D. NEGOTIATIONS

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

E. 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** (scanned copy of originals in Ukrainian (if relevant) and English) and **confirmation of the right to carry out of business activity** in the fields covered by the Call for Tender;
- **CVs** of the assigned team members/members of the consortium (for natural persons) with the indication of their education, professional experience and language skills.
- A detailed **professional portfolio** of the Tenderer and/or members of the consortium in English, demonstrating clearly that the Tenderer's previous experience is relevant for the implementation of the deliverables described in Section A of the Act of Engagement;
- **At least three (3) samples** of the previously developed analytical research, methodologies and/or results of surveys, focus group discussions and/or interviews in Ukrainian and/or English; At least one (1) sample should be in English;
- **Two (2) letters of references or contacts of clients** for whom the tenderer carried out similar services during the last three (3) years;

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.

- **Technical proposal in English** explaining the methodological approach to the implementation of the deliverables described in Section A of the Act of Engagement, listing available technical and human resources to be assigned for the provision of the requested services and/or alternative timeframe for the implantation of the services, others.

All documents shall be submitted in English if not indicated differently. 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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