**TENDER FILE / TERMS OF REFERENCE**

**(Competitive bidding procedure / Framework Contract)**

**Purchase of local consultancy services in the fields of freedom of expression, freedom of media and freedom of access to information in Ukraine**

***Contract N° 9307/2025- 01***

The Council of Europe Action Plan for Ukraine “Resilience, Recovery and Rebuilding” (hereinafter “the Action Plan”) adopted for the period of 2023-2026 is aimed at accompanying the reconstruction process and economic recovery in Ukraine with support to strengthen the resilience of Ukrainian public institutions, to enhance democratic governance and the rule of law and to protect citizens’ fundamental rights.

Safeguarding freedom of expression, freedom of media and access to information is one of the key co-operation priorities for the Council of Europe and the Ukrainian authorities under the new Action Plan. Its main objective is to enable a pluralistic media environment in Ukraine through the harmonisation of legal and policy frameworks in line with the Council of Europe and European standards.

In that context, it is looking for Provider(s) for the provision of local consultancy services in the fields of freedom of expression, freedom of media and freedom of access to information in Ukraine to be requested by the Council on an as needed basis.

1. 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[[1]](#footnote-1), 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 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 - 9307/2025-01. 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 - 9307/2025-01**

|  |  |
| --- | --- |
| **Type of contract ►** | Framework contract  |
| **Duration ►** | Until 31 December 2026 |
| **Deadline for submission of tenders/offers ►** | **26 May 2025** 18h00 CET |
| **Email for submission of tenders/offers ►** | DG2.FoE.Ukraine@coe.int |
| **Email for questions ►** | DG2.FoE.Ukraine@coe.int |
| **Expected starting date of execution ►** | **15 July 2025** |

B. EXPECTED DELIVERABLES

**Background of the Project**

“Safeguarding Freedom of Expression and Freedom of Media in Ukraine - Phase II” (SFEM-UA - Phase II/Project) is a continuation of a four-year initiative under the Council of Europe Action Plan for Ukraine titled “Resilience, Recovery, and Reconstruction” for 2023-2026 (Action Plan). This Project aims to address the pressing needs of key stakeholders in the field of freedom of expression, freedom of media, and access to information in Ukraine amidst ongoing Russian war of aggression against Ukraine and in the post-war period. Additionally, it supports Ukraine's implementation of the Council of Europe, European standards and progression towards the European Union's membership.

The primary focus of this second phase includes strengthening legal frameworks by enhancing laws and regulations to protect freedom of expression, freedom of media, access to information and ensuring their efficient implementation; implementing measures to ensure the safety and security of journalists. It also focuses on promoting media independence and pluralism by encouraging a diverse and independent media landscape and improving the media environment by increasing media literacy and resilience to disinformation and other information disorders. Through these targeted activities, the SFEM-UA - Phase II aims to foster a resilient, independent, and pluralistic media environment essential for the democratic development of Ukraine and its integration into the European Union’s information space.

In this context, the Council of Europe is seeking up to*110 (one hundred ten)* Providers in total per all Lots to deliver local consultancy services in Ukraine on an as-needed basis (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on freedom of expression, freedom of media, and access to information.

This Contract is currently estimated to cover up to *100 (one hundred)* activities, to be to be implemented remotely, face-to-face or in hybrid formats, and held by 31 December 2026. 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 885,000.00 Euros and the total amount of the object of present tender **shall not exceed 171,000 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 |
| **Lot 1– Local consultancy services in the field of** **freedom of expression and freedom of media** | 30 |
| **Lot 2** – **Local consultancy services in the field of freedom of access to information** | 30 |
| **Lot 3 – Local consultancy services specialising in** **quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder** | 30 |
| **Lot 4 – Local consultancy services** **on the legal revision of the Ukrainian translation of the Council of Europe, EU, and other international legal documents, its proofreading and/or revising previously translated documents.** | 20 |

**Lot 1** involves the provision of support to the national authorities in enhancing the alignment of Ukraine’s legal, policy and institutional frameworks and practices in line with the Council of Europe and other international standards, good practices and modern trends on **freedom of expression and freedom of media**, as well as the EU legal framework. The intervention under this lot also includes technical, legal and policy advice, tools and guidelines development, institutional support and capacity-building inputs, as well as awareness-raising components. Relevant stakeholders will be equipped and provided with the tools and guidelines, as well as trained on the standard application and alignment across the reform sector areas.

The expertise under this lot should be based on profound knowledge, from both theoretical and practical sides, of the Ukrainian context, as well as strong knowledge of relevant Council of Europe, European and international standards. The particular focus will be made on war- and post-war context. Thematically, the expertise required under this lot covers the following domains:

* Council of Europe, European and other international standards on freedom of expression and freedom of media, including the case law of the European Court of Human Rights
* Council of Europe, EU legal framework covering the media filed, including but not limited to the Audiovisual Media Services Directive (AVMSD), the Digital Services Act package (the Digital Services Act (DSA), the Digital Market Act (DMA)), the Council of Europe Recommendation CM/Rec(2024)2 on countering the use of strategic lawsuits against public participation (SLAPPs), the EU anti-SLAPP Directive, the EU Media Freedom Act (EMFA), the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, and related documents
* Public broadcasting, including strategic development, business and content management, internal oversight policies, and other key concept documents
* Media regulatory framework and the effective and efficient functioning of the media regulatory authority
* Freedom of expression and the Internet, including the digitalisation of media services and the digital security of the media sector
* Co- and self-regulation of media
* Journalistic ethics, the internal quality control mechanisms for media content, professional standards of journalism
* Media management, monetisation, and economic resilience of the media sector, including in times of war and crisis, and with a focus on local and hyperlocal levels
* Gender mainstreaming, equality and diversity in the work of the media sector
* Digital transformation and security in the media sector

**Lot 2** involves the provision of support to the national authorities in enhancing the alignment of Ukraine’s legal, policy and institutional frameworks and practices in line with the Council of Europe and other international standards, good practices and modern trends on **freedom of access to information**, as well as the related EU legal framework. The intervention under this lot also includes technical, legal and policy advice, tools and guidelines development, institutional support and capacity-building inputs, as well as awareness-raising components. Relevant stakeholders will be equipped and provided with the tools and guidelines, as well as trained on the standard application and alignment across the reform sector areas.

The expertise under this lot should be based on profound knowledge, from both theoretical and practical sides, of the Ukrainian context, as well as strong knowledge of relevant European and international standards. The particular focus will be made on war- and post-war context. Thematically, the expertise required under this lot covers the following domains:

* Council of Europe, European and other international standards on freedom of access to information, including the case law of the European Court of Human Rights
* Data protection, privacy, and the right to information
* Transparency, open data policies, and digital access to public sector information
* Access to public information and official documents with a focus on the Council of Europe Tromsø Convention
* Limitation of access to information and access to information in times of war and crisis
* Strategic litigation on access to information
* Accessibility of information

**Lot 3** involves the provision of support to the national authorities in enhancing the alignment of Ukraine’s legal, policy and institutional frameworks and practices in line with the Council of Europe and other international standards, good practices and modern trends on **quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder**. The intervention under this lot also includes technical, legal and policy advice, tools and guidelines development, institutional support and capacity-building inputs, as well as awareness-raising components. Relevant stakeholders will be equipped and provided with the tools and guidelines, as well as trained on the standard application and alignment across the reform sector areas.

The expertise under this lot should be based on profound knowledge, both from theoretical and practical sides, of the Ukrainian context and strong knowledge of relevant Council of Europe, European and international standards. The particular focus will be made on war- and post-war context. Thematically, the expertise required under this lot covers the following domains:

* Monitoring media content for compliance with professional and ethical standards
* Journalistic investigations (including documentaries on war-related issues, coverage of war crimes, corruption at various levels, reforms implementation, and others)
* Safety and protection of journalists
* Media pluralism and transparency of media ownership
* Media literacy and fact-checking mechanisms
* Digital safety and the role of technology in media governance
* Combating disinformation, fact-checking, and media literacy initiatives
* Hate speech prevention and countering harmful online content
* Gender-sensitive reporting and media diversity strategies
* Media coverage of elections/referenda, including in the post-war environment

Lot 4 involves the provision of local consultancy services **on the legal revision of the Ukrainian translation of the Council of Europe, EU, and other international legal documents, its proofreading and/or revising previously translated documents.** The services under this lot ensure the correctness of the translation in terms of substance, consistency of terminology with legal language, accurate proofreading of legal terms, precision in references and footnotes, verification of external links, and overall clarity and readability of the translation.

The expertise under this lot should be based on profound knowledge, both from theoretical and practical sides, of the Ukrainian media legislative framework and relevant Council of Europe, European and international standards in the field of media. Thematically, the expertise required under this lot covers the following domains:

* Council of Europe, European and other international standards on freedom of expression, freedom of media, access to information, journalistic standards, including the case law of the European Court of Human Rights
* Council of Europe, EU legal framework covering the media filed, including but not limited to the Audiovisual Media Services Directive (AVMSD), the Digital Services Act package (the Digital Services Act (DSA), the Digital Market Act (DMA)), the Council of Europe Recommendation CM/Rec(2024)2 on countering the use of strategic lawsuits against public participation (SLAPPs), the EU anti-SLAPP Directive, the EU Media Freedom Act (EMFA), the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, and related documents

The Council of Europe 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: Local consultancy services in the field of freedom of expression and freedom of media**

Legal and technical expertise in the field of freedom of expression and freedom of media

* Provide legal expertise, conduct (comparative) legal analysis and research and develop legal opinions.
* Carry out desk research, surveys and/or review of existing domestic legal and policy frameworks, internal regulations, and practices of the Project’s stakeholders on their compliance with relevant Council of Europe, European and other international standards, as well as the EU legal framework.
* Provide substantial inputs to the process of legislation and policy drafting, the development of related bylaws and internal regulatory frameworks and policies and advice on their further implementation, including through the development of relevant guidelines and other working documents.
* Draft and develop studies, analytical reports, technical papers and recommendations aimed at supporting responsible stakeholders on Council of Europe, European and other international standards and good practices; conduct qualitative and quantitative data analysis.
* Advise on relevant subject matters and the recent development of regulatory and policy frameworks and their practical application in Europe and beyond, including through the development of roadmaps, guidelines and other working documents.
* Under the guidance of the Secretariat of the Council of Europe, participate in and provide advisory support, moderation and facilitation at the Project’s meetings and events, including consultation meetings with national authorities, working group and focus group meetings, workshops, roundtables, presentations, conferences, etc.

Capacity-building in the field of freedom of expression and freedom of media

* Carry out surveys and needs assessment on stakeholders’ training and other capacity-building needs.
* Contribute to the development and update of training curricula design; develop necessary training materials and documents, including but not limited to handbooks, thematic reports and guides on themes falling under freedom of expression and access to information.
* Carry out train-of-trainers and training (remotely and face-to-face) activities based on identified stakeholders’ needs, and act as training course moderator/facilitator.
* Carry out pre- and post-training evaluations, prepare assessment reports with recommendations for further improvement.
* Facilitate peer-to-peer learning and exchange, including through support for the organisation and input provided to bilateral and other working meetings, study visits, thematic sessions (remotely and face-to-face) and other capacity-building activities; develop presentations, briefing papers and other handouts.

Awareness-raising in the field of freedom of expression and freedom of media

* Study target groups’ and beneficiaries’ opinions, carry out surveys and needs assessments on stakeholders’ and beneficiaries’ needs for raising awareness; develop good practices analysis and suggest methodology and a roadmap for information campaigns and other awareness-raising initiatives.
* Develop, update and revise the information and other awareness-raising and targeted materials, including brochures, leaflets, info graphs, social media publications, videos and others.
* Develop, update and revise information and other awareness-raising campaigns and related materials.
* Provide input to and consult, both orally and in writing, stakeholders on awareness-raising initiatives and efforts; deliver training sessions and facilitate working discussions among stakeholders when necessary.
* Provide policy support to reinforce the dialogue and strengthen co-operation mechanisms between all levels of government.
* Participate and contribute to meetings, working groups and roundtables aimed at developing modalities for sustainable co-operation between institutional representatives at the state and entity levels, civil society organisations and other relevant stakeholders in their joint awareness-raising efforts.
* Deliver presentations, lightening and other speeches, give interviews and contribute to press conferences and other awareness-raising activities.
* Moderate and facilitate public events, flashmobs, high-level conferences, workshops and other activities (remotely and face-to-face), which are part of the awareness-raising initiatives.
* Draft activity and other technical reports with recommendations and conclusions of the above-mentioned activities to assess their outcome, impact, lessons learned and feed possible follow-up initiatives.

**UNDER LOT 2: Local consultancy services in the field of freedom of access to information**

Legal and technical expertise in the field of freedom of access to information

* Provide legal expertise, conduct (comparative) legal analysis and research and develop legal opinions.
* Carry out desk research, surveys and/or review of existing domestic legal and policy frameworks, internal regulations, and practices of the Project’s stakeholders on their compliance with relevant Council of Europe, European and other international standards, as well as the EU legal framework.
* Provide substantial inputs to the process of legislation and policy drafting, the development of related bylaws and internal regulatory frameworks and policies and advice on their further implementation, including through the development of relevant guidelines and other working documents.
* Draft and develop studies, analytical reports, technical papers and recommendations aimed at supporting responsible stakeholders on Council of Europe, European and other international standards and good practices; conduct qualitative and quantitative data analysis.
* Advise on relevant subject matters and the recent development of regulatory and policy frameworks and their practical application in Europe and beyond, including through the development of roadmaps, guidelines and other working documents.
* Under the guidance of the Secretariat of the Council of Europe, participate in and provide advisory support, moderation and facilitation at the Project’s meetings and events, including consultation meetings with national authorities, working group and focus group meetings, workshops, roundtables, presentations, conferences, etc.

Capacity-building in the field of freedom of access to information

* Carry out surveys and needs assessment on stakeholders’ training and other capacity-building needs.
* Contribute to the development and update of training curricula design; develop necessary training materials and documents, including but not limited to handbooks, thematic reports and guides on themes falling under freedom of expression and access to information.
* Carry out train-of-trainers and training (remotely and face-to-face) activities based on identified stakeholders’ needs, and act as training course moderator/facilitator.
* Carry out pre- and post-training evaluations, prepare assessment reports with recommendations for further improvement.
* Facilitate peer-to-peer learning and exchange, including through support for the organisation and input provided to bilateral and other working meetings, study visits, thematic sessions (remotely and face-to-face) and other capacity-building activities; develop presentations, briefing papers and other handouts.

Awareness-raising in the field of freedom of access to information

* Study target groups’ and beneficiaries’ opinions, carry out surveys and needs assessments on stakeholders’ and beneficiaries’ needs for raising awareness; develop good practices analysis and suggest methodology and a roadmap for information campaigns and other awareness-raising initiatives.
* Develop, update and revise the information and other awareness-raising and targeted materials, including brochures, leaflets, info graphs, social media publications, videos and others.
* Develop, update and revise information and other awareness-raising campaigns and related materials.
* Provide input to and consult, both orally and in writing, stakeholders on awareness-raising initiatives and efforts; deliver training sessions and facilitate working discussions among stakeholders when necessary.
* Provide policy support to reinforce the dialogue and strengthen co-operation mechanisms between all levels of government.
* Participate and contribute to meetings, working groups and roundtables aimed at developing modalities for sustainable co-operation between institutional representatives at the state and entity levels, civil society organisations and other relevant stakeholders in their joint awareness-raising efforts.
* Deliver presentations, lightening and other speeches, give interviews and contribute to press conferences and other awareness-raising activities.
* Moderate and facilitate public events, flashmobs, high-level conferences, workshops and other activities (remotely and face-to-face), which are part of the awareness-raising initiatives.
* Draft activity and other technical reports with recommendations and conclusions of the above-mentioned activities to assess their outcome, impact, lessons learned and feed possible follow-up initiatives.

**UNDER LOT 3: Local consultancy services specialising in quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder**

Legal and technical expertise in the field of quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder

* Provide legal expertise, conduct (comparative) legal analysis and research and develop legal opinions.
* Carry out desk research, surveys and/or review of existing domestic legal and policy frameworks, internal regulations, and practices of the Project’s stakeholders on their compliance with relevant Council of Europe, European and other international standards, as well as the EU legal framework.
* Provide substantial inputs to the process of legislation and policy drafting, the development of related bylaws and internal regulatory frameworks and policies and advice on their further implementation, including through the development of relevant guidelines and other working documents.
* Draft and develop studies, analytical reports, technical papers and recommendations aimed at supporting responsible stakeholders on Council of Europe, European and other international standards and good practices; conduct qualitative and quantitative data analysis.
* Advise on relevant subject matters and the recent development of regulatory and policy frameworks and their practical application in Europe and beyond, including through the development of roadmaps, guidelines and other working documents.
* Under the guidance of the Secretariat of the Council of Europe, participate in and provide advisory support, moderation and facilitation at the Project’s meetings and events, including consultation meetings with national authorities, working group and focus group meetings, workshops, roundtables, presentations, conferences, etc.

Capacity-building in the field of quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder

* Conduct journalistic investigations and/or produce documentaries.
* Carry out surveys and needs assessment on stakeholders’ training and other capacity-building needs.
* Contribute to the development and update of training curricula design; develop necessary training materials and documents, including but not limited to handbooks, thematic reports and guides on themes falling under freedom of expression and access to information.
* Carry out train-of-trainers and training (remotely and face-to-face) activities based on identified stakeholders’ needs, and act as training course moderator/facilitator.
* Carry out pre- and post-training evaluations, prepare assessment reports with recommendations for further improvement.
* Facilitate peer-to-peer learning and exchange, including through support for the organisation and input provided to bilateral and other working meetings, study visits, thematic sessions (remotely and face-to-face) and other capacity-building activities; develop presentations, briefing papers and other handouts.

Awareness-raising in the field of quality media coverage, journalistic investigations, safety of journalists, countering propaganda, and preventing information disorder

* Conduct journalistic investigations and/or produce documentaries.
* Study target groups’ and beneficiaries’ opinions, carry out surveys and needs assessments on stakeholders’ and beneficiaries’ needs for raising awareness; develop good practices analysis and suggest methodology and a roadmap for information campaigns and other awareness-raising initiatives.
* Develop, update and revise the information and other awareness-raising and targeted materials, including brochures, leaflets, info graphs, social media publications, videos and others.
* Develop, update and revise information and other awareness-raising campaigns and related materials.
* Provide input to and consult, both orally and in writing, stakeholders on awareness-raising initiatives and efforts; deliver training sessions and facilitate working discussions among stakeholders when necessary.
* Provide policy support to reinforce the dialogue and strengthen co-operation mechanisms between all levels of government.
* Participate and contribute to meetings, working groups and roundtables aimed at developing modalities for sustainable co-operation between institutional representatives at the state and entity levels, civil society organisations and other relevant stakeholders in their joint awareness-raising efforts.
* Deliver presentations, lightening and other speeches, give interviews and contribute to press conferences and other awareness-raising activities.
* Moderate and facilitate public events, flashmobs, high-level conferences, workshops and other activities (remotely and face-to-face), which are part of the awareness-raising initiatives.
* Draft activity and other technical reports with recommendations and conclusions of the above-mentioned activities to assess their outcome, impact, lessons learned and feed possible follow-up initiatives.

**UNDER LOT 4:** **Local consultancy services on the legal revision of the Ukrainian translation of the Council of Europe, EU, and other international legal documents, its proofreading and/or revising previously translated documents.**

* Provide professional proofreading services of the ongoing Ukrainian translationof Council of Europe, EU, and other international legal documents into Ukrainian, ensuring accuracy and consistency with legal terminology.
* Conduct proofreading and revision of previously translated documents to ensure the correctness of the translation in terms of substance, consistency of terminology, accurate translation of legal terms, and overall clarity.
* Verify and cross-check references, footnotes, and external links for accuracy and proper citation.
* Ensure compliance of translated documents with relevant Council of Europe, European, and international legal standards.
* Provide expert linguistic and legal analysis on complex legal documents, ensuring precision and coherence in the translation of legal texts.
* Conduct comparative analysis of legal documents to align translations with Ukrainian media and legal frameworks.
* Offer substantive input and feedback on the interpretation of legal texts to ensure alignment with international legal standards.

The above list is not considered exhaustive. The Council of Europe 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 of Europe – 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 of Europe to ensure continuing exchange of information relevant to the project implementation. This involves, among others, to inform the Council of Europe 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 of Europe, 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 of Europe 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 of Europe).

For each order, the Council of Europe will select a Provider from the pool of pre-selected tenderers for the relevant lot, based on the best value for money. The selection will be made by assessing the Provider’s offer against the following criteria for the specific order:

* quality – including, where applicable, capability, expertise, past performance, resource availability, and proposed methods for carrying out the work;
* availability – including, but not limited to, the ability to meet required deadlines and, where relevant, geographical location;
* 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 **3 (three)** 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[[2]](#footnote-2) (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)**[[3]](#footnote-3)**

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*

Tenderers shall demonstrate that they fulfil the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

**Lots 1, 2 & 3**

* **At least Bachelor’s University degree** in law, political science, international relations, journalism, communications or a related field.
* **Knowledge** of the Ukrainian legal and policy framework and practices, and strong knowledge of Council of Europe, European and international standards and good practices in the areas of freedom of expression, freedom of media and freedom of access to information.
* **Professional experience of at least 3 (three) years** in the areas related to legislative analysis, training and institutional capacity-building, journalism, development of internal documents, conducting research and monitoring, awareness-raising and interinstitutional co-operation.
* **Proven working experience** in holding similar consultancy roles in Ukraine.
* **Mother tongue level of Ukrainian**

**Lot 4**

* **At least Bachelor’s University degree** in translation and interpreting, law, international relations, journalism or a related field.
* **Knowledge** of the Ukrainian legal and policy framework and practices, and strong knowledge of European and international standards and good practices in the areas of freedom of expression, freedom of media and freedom of access to information.
* **Professional experience of at least 3 (three) years** in media and/or law-related fields.
* **Proven working experience** in holding similar consultancy roles in Ukraine
* **Mother tongue level of Ukrainian and at least C1 level of English** in line with the Common European Framework of Reference for Languages.

*Award criteria*

* **Criterion 1: Quality of the offer (80 points)**, including:
* Relevance of expertise for the Project areas of intervention and the Ukrainian context (40 points).
* Level of knowledge and expertise in the indicated domains (40 points).
* **Criterion 2: Financial offer (20 points).**

The Council reserves the right to hold interviews with tenderers.

**Multiple tendering is not authorised.**

**F. DOCUMENTS TO BE PROVIDED IN WORD OR PDF FORMATS:**

* **A completed and signed copy of the** **Act of Engagement[[4]](#footnote-4)** (See attached);
* **Motivation Letter** explaining how the Tenderer’s experience and knowledge are compliant with the eligibility criteria and will contribute to the Council of Europe’s work in the above-indicated domains in Ukraine;
* **Brief information on accomplished assignments** within the thematic domains stipulated by respective Lots within the last three or more years (up to 3 pages maximum);
* **2 (two) names of referees** (i.e., current and previous employers, clients, partners, peers, etc.), their current positions, relation to the tenderer and contact details (email and phone number);
* Annex or provide active links to at least **2 (two) examples of recent deliverables in Ukrainian or English** in the thematic domains indicated in the respective Lot(s). The link must mandatorily remain active for the entire period of validity of the tender.

*For natural persons only:*

* + A **detailed CV** demonstrating clearly that the tenderer fulfils the eligibility criteria.

*For legal persons only:*

* + **Registration documents** proving that the tenderer has a legal right to execute services in the chosen thematic domains;
	+ **A list of all owners and executive staff**;
	+ **Detailed CV(s)** of the person(s) allocated to the execution of the contract, demonstrating clearly that they fulfil the eligibility criteria.

*For consortia only:*

* Detailed CV for each natural person allocated to the execution of the contract demonstrating that they satisfy the eligibility criteria.
* For legal persons applying as a part of the consortium:
* Registration documents proving that the tenderer has a legal right to execute services in the chosen thematic domains;
* A list of all owners and executive staff;
* Detailed CV(s) of the person(s) allocated to the execution of the contract, demonstrating clearly that they fulfil the eligibility criteria.

**All documents shall be submitted in English** **(except for registration documents and examples of deliverable, which may be submitted in Ukrainian), 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.**

**\* \* \***

1. The activities of the Council of Europe are governed by its [Statute](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680306052) 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](https://search.coe.int/intranet/Pages/result_details.aspx?ObjectId=090000168094853e). [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. 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). [↑](#footnote-ref-3)
4. 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. [↑](#footnote-ref-4)