

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

### **Purchase of consultancy services for the provision of support and advice to the Prosecutor General Office of Ukraine in implementation of the information and communication strategy in times of war and raising public support and awareness towards war crimes and the establishment of an international tribunal.**

#### **Contract N° 9153/2023/01**

The Council of Europe is currently implementing the Project "Safeguarding Freedom of Expression and Freedom of Media in Ukraine" (hereinafter "the Project") within the Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026) (hereinafter "the Action Plan for Ukraine"). Within this framework co-operation, 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.

One of the **priority measures** in the Council of Europe Action Plan for Ukraine 2023-2026 aims to provide further support to the promotion of the efficient information and communication strategy capacities at the Prosecutor General Office of Ukraine (hereinafter "the PGO") based on the achievements of the previous Action Plan. More specifically, continuing the support provided to the PGO in September-December 2022 in ensuring proper implementation of the Office's communication strategy *targeted at domestic and international audiences*. This work, among others, will include:

- technical assistance and expert support to the PGO in holding focus groups discussions and carrying out public opinion research covering the topics on the need to establish the Special International Tribunal for the crime of aggression, genocide and war crimes (both domestically and internationally) and on the assessment of the PGO's activities regarding the investigation and prosecution of war crimes and public trust in it;
- training on public speaking for PGO officials and provision of advice into regular messages of PGO speakers;
- expert advice on and other support to the PGO's communication activities targeted at the audiences based in the European Union and the United Kingdom, as well support in publishing relevant materials in international media and communication with European opinion leaders, as well as monitoring of media coverage of the PGO's activities.

In that context, the Council of Europe through its Action Plan for Ukraine and in the frames of the current Project is seeking to engage a Provider to provide consultancy services to the PGO in the implementation of the communication strategy in times of war (see Section A of the Act of Engagement).

#### 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 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 **one-off 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, 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 – 9153/2023/01**. Tenders addressed to another email address **will be rejected**.

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<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](#).

The general information and contact details for this procedure are indicated on this page. You are invited to use the Council of Europe Contact details indicated below for any question you may have. **All questions shall be submitted at least two 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 – 9153/2023/01.**

<b>Type of contract</b> ▶	One-off contract
<b>Duration</b> ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers</b> ▶	<b>10 April 2023</b>
<b>Email for submission of tenders/offers</b> ▶	Marina.Moore@coe.int
<b>Email for questions</b> ▶	Marina.Moore@coe.int
<b>Expected starting date of execution</b> ▶	<b>02 May 2023</b>

#### B. EXPECTED DELIVERABLES

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

#### C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

#### D. ASSESSMENT

##### *Exclusion criteria and absence of conflict of interests*

(by signing the Act of Engagement,<sup>2</sup> 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.

##### *Eligibility criteria*

- At least 3 years of experience in providing consultancy services on implementing communication strategies, public opinion analysis, provision of communication training and other related communication activities, particularly in the context of war and armed conflicts in Ukraine; experience in providing services abroad is an asset. The previous experience should include:
  - Proven experience of working with international organisations and in conflict zones;
  - Proven experience of social media management and platform-based communication;

<sup>2</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.

- Experience in the area of countering and debunking disinformation;
- Deep understanding of the International Human Rights Law, International Humanitarian Law and International Criminal Law, as well relevant European and other international standards and good practices.
- Deep knowledge of the region, political and social background of Eastern Europe and knowledge of current state of play in Ukraine.
- Proven capacity to operate throughout Ukraine and presence in Ukraine (for at least one member, in case of consortia). Capacity to operate in other countries is an asset;
- Proven capacity to provide services in Ukrainian (namely at least 50% staff member(s) with mother tongue level of Ukrainian) and English (advanced level). Knowledge of other languages is an asset.

#### *Award criteria*

- Quality of the offer (80%), that means relevance of the experience and level of expertise of the Tenderer to perform deliverables mentioned in this Tender File.
- Financial offer (20%).

Applicant could a legal entity or a consortium of Ukrainian and international companies.

Multiple tendering is not authorised.

#### E. NEGOTIATIONS

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

#### F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- **A completed and signed copy of the Act of Engagement<sup>3</sup> (see attached)**
- **For legal persons:** Scanned copies of the registration documents;
- **For legal persons:** Company portfolio;
- **Signed motivation letter** clearly addressing eligibility criteria having as attachments:
  - **CV of consultant(s) who will be engaged** in the provisions of the services in question;
  - At least **5 samples of content produced** in the form of screen captures/photos/links to the content.

**All documents shall be submitted in English, 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>3</sup> The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.