

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe's Culture and Cultural Heritage Division is currently looking for Suppliers for the provision of policy work and follow-up activities on its conventions in the field of culture and cultural heritage also related to the subject of artificial intelligence and combined culture, nature, environmental and sustainable heritage activities, as well as work on the CoE exhibition "Free to Create – Create to be Free", and visibility/creative work for various projects including the preparation of promotional material, provision of articles and different interactive features, promotional shoots and trailers, hand-drawn or animated videos/films on culture and cultural heritage, interviews and video recordings from the conferences and meetings held within the framework of Culture and Cultural Heritage Division activities.

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 Europe¹, the Organisation shall invite to tender at least three potential providers for any purchase between €2,000 (or €5,000 for intellectual services) and €150,000 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, 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: Quote for art, culture, heritage and environment expert work and promotional shoots, videos/films, interviews and recordings.** 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 – art, culture, heritage and environment expert work and promotional shoots, videos/films, interviews and recordings.**

| | |
|---|--|
| Type of contract ▶ | Framework contract |
| Duration ▶ | Until 31 December 2022 |
| Deadline for submission of tenders/offers ▶ | 07 September 2021 |
| Email for submission of tenders/offers ▶ | culture.heritage@coe.int |
| Email for questions ▶ | culture.heritage@coe.int |
| Expected starting date of execution ▶ | 21 September 2021 |

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](#).

B. EXPECTED DELIVERABLES

Culture and Cultural Heritage Division of the Council of Europe

Culture is an essential component and a key factor for the effective delivery of the core mission of the Council of Europe to promote human rights, the practice of democracy and the rule of law.

Promoting culture as the "soul of democracy" means advocating strong cultural policies and governance - aimed at transparency; access; participation and creativity; respect for identity and diversity; intercultural dialogue and cultural rights – as the basis for respectful and tolerant living together in an ever-more complex world.

Council of Europe action in the field of cultural heritage targets promoting diversity and dialogue through access to heritage to foster a sense of identity, collective memory and mutual understanding within and between communities.

The Council of Europe is looking for Suppliers (provided they meet the criteria indicated below), in order to support the work of Culture and Cultural Heritage Division, with a particular expertise in the field of arts, freedom of expression, artificial intelligence, culture, heritage, environment and development of interactive features and making of videos/films.

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: Support to the CoE exhibition "Free to Create – Create to be Free" | 5 |
| Lot 2: Provision of policy work and follow-up activities on Council of Europe conventions in the field of culture and heritage, including the provision of articles (preparation of news items, social media posts, thematic articles/reviews, writing of thematic articles related to the culture and cultural heritage topics and activities) | 10 |
| Lot 3: Provision of the expert support in either of the following fields: 1) culture, heritage and artificial intelligence 2) culture, nature, environment, sustainable heritage and climate change | 10 |
| Lot 4: Producing different interactive features, including visibility material, educational and/or promotional shoots and trailers, and hand-drawn or animated videos/films on the specific topic of culture, cultural heritage, environment (including scripting, shooting and/or editing) of a minimum length of 2 and a maximum length of 15 minutes | 10 |
| Lot 5: 1) Conducting interviews with participants of the conferences/events organised by the Culture and Cultural Heritage Secretariat of the Council of Europe, as well as with project partners and staff working at the cultural institutions and other organisations involved in such events; 2) Providing video recordings of conferences/events held on the topic of culture, cultural heritage and environment | 10 |

Lot 1 concerns the following activities:

1. Help adapt, in co-operation with the Culture and Cultural Heritage Secretariat and technical experts, the CoE exhibition "Free to Create – Create to be Free" to possible requirements and advise the Secretariat on the inclusion of art work from member States and its negotiation with the donating authority;
2. Contribute conceptually and participate actively to Council of Europe cultural events/ roundtables on arts, culture and freedom of expression and advise the Secretariat on the preparation of such events to be held also co-operation with other partners;
3. Advise on fund-raising opportunities and optimal publicity and networking for the exhibition in relevant professional circles and media and further develop the communication strategy of the exhibition "Free to Create – Create to be Free";
4. Advise on any other aspects related to the exhibition in reply to requests by member States and developments at the Council of Europe.

Lot 2 concerns the following activities:

Provision of policy work and follow-up activities on Council of Europe conventions in the field of culture and heritage, including the provision of articles (preparation of news items, social media posts, thematic articles/reviews, writing of thematic articles related to the culture and cultural heritage topics and activities), in particular on the following:

1. The Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention);
2. Council of Europe Convention on Offences relating to Cultural Property (Nicosia Convention);
3. European Heritage Strategy for the 21st Century;
4. HEREIN Network.

Lot 3 concerns the following activities:

1. Preparing research, studies, analyses in the field of culture, heritage and artificial intelligence or culture/heritage/environment/nature and climate change as input to the Culture and Cultural Heritage Divisions' activities;
2. Preparing documentation, in co-operation with the Secretariat, for sessions of Council of Europe bodies and intergovernmental Committees;
3. Participating in the conceptual preparation, and contributing presentations to conferences and events organised by the Culture and Cultural Heritage Division including in partnership with other Organisations and preparing input papers and reports.

Lot 4 concerns the following activities:

Producing different interactive features, including visibility material, educational and/or promotional shoots and trailers, and hand-drawn or animated videos/films on the specific topic of culture, cultural heritage, environment (including scripting, shooting and/or editing) of a minimum length of 2 minutes and a maximum length of 15 minutes.

- the content-related material will be provided by the Culture and Cultural Heritage Secretariat;

- the scripts will be prepared in a "comms-friendly" style by the consultant, based on background information provided by the Secretariat of the Culture and Cultural Heritage Division;
- proofreading, editing and all the corrections by the Provider will be included in the work.

The content will be produced **in English** and adapted to the possibility to add subtitles in other languages, if the Council of Europe decides so.

Sources of all material used are to be supplied by the Provider. The Council of Europe will automatically own copyright of all the material produced within the framework of this contract. Materials which are reproduced with the kind permission of the owner shall be exempted from this clause.

The necessary material, specific for the content to be presented (e.g. photos, logos), will be supplied by the Council of Europe for this assignment.

First draft delivery is set at 20 days from the signature of the order form by both sides.

Final delivery is 30 days from the signature of the order form by both sides.

The final version to be supplied as HD or 4K (Other desktop publishing packages will be considered – please specify.)

Graphics, image files and other material used are also to be provided separately in .jpg and .eps format. We reserve the right to request conversion to an alternative format at no additional cost if required at a later date.

Lot 5 concerns the following activities:

1. Conducting interviews with participants on the conferences/events organised by the Culture and Cultural Heritage Secretariat of the Council of Europe, as well as with project partners and staff working at the cultural institutions and other organisations involved in such events

- the questions and guidelines will be given by the Culture and Cultural Heritage Secretariat;
- in order to be able to conduct the interviews during the Council of Europe events, the selected provider will assist the events and travel as needed

2. Providing video recordings on conferences/events held on the topic of culture, cultural heritage and environment

- recording on 2 cameras (to capture general picture as well as close-up/two-shot of the speakers during their speech);
- use of tripods during video recording;
- for B-rolls (video recording of the events' visibility elements, banners, flags, logos, the participants' discussion amongst themselves, including during breaks, Steadicam is to be used (for 'floating' and stable recording));
- the final video must be in HD or 4K format;
- the final video must contain complete recording of the event (including the speeches of all the participants).

Based on the video recording of the event(s), the provider may be asked to prepare a video clip (duration - approximately 15 minutes) containing fragments of speeches, interviews, comments, with shots of Council of Europe symbols.

The clip:

- will have as an option to add subtitles (if not in English) and synchronized speech of the participants (pre-recorded);
- must contain an animated screen saver, indicating the name of the Project, date, venue and relevant contacts.

Sources of all material used are to be supplied by the Provider. The Council of Europe will automatically own copyright of all the material produced within the framework of this contract. Materials which are reproduced with the kind permission of the owner shall be exempted from this clause.

First draft delivery is set at 20 days from the conference/event.

Final delivery is set at 30 days from the conference/event.

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 provide the deliverables (Lots) listed in the Act of Engagement (See Section A – Terms of reference). This list is considered non-exhaustive and may be supplemented by similar, related deliverables.

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
- Full copyright of all deliverables, including images/shoots/videos/films produced by the supplier, shall be transferred to the Council of Europe with no restrictions on their re-use. (Material which is reproduced by the supplier with the kind permission of the owner are exempted from this requirement).

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.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are 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 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 quote² (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 of Europe, by displaying a Council of Europe'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

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.

² 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.

³ 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.

Eligibility criteria

- **Recognised qualification** in policy work on culture, arts and heritage/artificial intelligence/environment/development of different interactive features, including promotional shoots and trailers, hand-drawn or animated videos/films on culture and cultural heritage, interviews and video recordings
- **Proven experience** in policy work on culture, arts and heritage/artificial intelligence/environment/development of different interactive features, including promotional shoots and trailers, hand-drawn or animated videos/films on culture and cultural heritage, interviews and video recordings.

Award criteria

- Quality of the offer (70%), including:
 - Compatibility with the mission and the vision of the Council of Europe and the Directorate General for Democracy;
 - Capacity to meet the required deadlines;
 - Originality and Attractiveness;
 - Capacity to adapt to the context.
- Financial offer (30%).

The Council reserves the right to hold telephone 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**⁴ (See attached);
- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria;
- A list of all owners and executive officers, for legal persons only;
- 2 to 3 (two to three) suitable and relevant samples of the work in line with the assignments described in the selected lot
- A brief presentation of the ideas for ONE of the possible assignments.

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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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.