



## TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

### Purchase of consultancy services on various communication aspects of the project activities

**Contract N° 8423/2018/250**

The Council of Europe is implementing the Project "Continued Support to the Criminal Justice Reform in Ukraine" until February 2019, funded by the Government of the Kingdom of Denmark. In that context, it is looking for a maximum of two (2) Providers for the provision of consultancy services on various communication aspects of the Project activities to be requested by the Council on an as needed basis.

#### A. TENDER RULES

This tender procedure is a restricted consultation procedure. **In accordance with Rule 1333 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 company under sole proprietorship of a natural person, or equivalent, provided that the signatory of the Act of Engagement is individually liable for all obligations undertaken by the entity, and is the owner of the moral rights in any creations of the entity. 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: Communications Consultant for CJR Project.** 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: Communications Consultant for CJR Project.**

Type of contract ▶	Framework contract
Duration ▶	Until 28 February 2019
Deadline for submission of tenders/offers ▶	18 June 2018
Email for submission of tenders/offers ▶	Tetiana.SHAMRAI@coe.int
Email for questions ▶	Tetiana.SHAMRAI@coe.int
Expected starting date of execution ▶	26 June 2018

<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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The Council of Europe Office in Ukraine is currently implementing the Project “Continued Support to the Criminal Justice Reform in Ukraine” (the Project), funded by the Government of the Kingdom of Denmark. The Project is part of the continuous endeavour by the Council of Europe to support Ukraine to fulfill its obligations as a member state of the Organisation.

### Project Objective.

The Ukrainian Public Prosecution Service and Free Legal Aid System apply their increased capacity to implement criminal justice reform, ensuring full compliance with the relevant Council of Europe standards.

The attainment of the Project objective shall contribute to strengthening democratic processes in Ukraine through the development of a criminal justice system which is:

- fair, efficient and respectful of human rights and fundamental freedoms
- effective in the fight against criminality
- free of corruption and accountable at both institutional and individual levels
- trusted by the society.

### Expected results

- The reform of the Public Prosecution Service is implemented in line with European standards and best practices
- Capacity of the Free Legal Aid System to provide accessible and quality legal assistance is enhanced
- Public involvement in the reforms is strengthened and confidence in the primary target institutions is increased

### Project partners

**Primary target institutions:** The Public Prosecution Service of Ukraine, including Prosecutorial Self-governance and Support bodies; the Coordination Centre for Legal Aid Providing and the centers providing free secondary legal aid.

**Additional Partners:** other key institutions of the Ukrainian criminal justice system and civil society organisations.

The Council of Europe is looking for maximum 2 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on *communications*.

This Contract is currently estimated to cover up to 30 activities, to be held **by 28 February 2019**. 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 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

**Deliverables.** Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:

- prepare news items/success stories/articles/press announcements/ press releases/other written materials on Project activities\* for publishing and posting on the websites/social media platforms/in printed media etc
- attend the Project's public events\*
- familiarize themselves with the researches/reports/other expert work carried out within the Project to the extent enabling to produce a written piece on the Project's relevant initiatives and activities
- identify opportunities for media coverage of the Project and make relevant suggestions to the Project team
- facilitate respective media representatives' presence at the events\* of the Project, including:
  - o identifying the media and journalists to be invited,
  - o sending out invitations
- lead the process of production of a video on the results of the Project implementation that would include (but would not be limited to) the following tasks:
  - o development of the terms of reference for the selection of a video-production company
  - o preparation of a storyboard for the video
  - o advising the Project team on the video components (infographics etc)
  - o advising to the Project team on the format of the messages for the speakers of the video
  - o acting as a liaison when arranging the filming days (venue, time etc) and communicating this information to the speakers
  - o acting as a liaison between the speakers and the video production company on the filming days,
  - o reviewing the draft videos sent by the video production company to identify mistakes/etc
- work with the Project team to develop targeted communication strategies

- provide consultancy to the Project team on the preparation of the awareness raising and visibility materials produced with the support of the Project;

\*Activities/events/pieces of work/speakers will be agreed upon with the Project team in advance.

The above list is not 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/scope of the present Framework Contract. The consultants can be asked to undertake missions within Ukraine to provide the expected 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.

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

The units of work under the present Framework Contract are time-based, i.e. daily fee.

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. Tenders proposing fees above the exclusion level indicated in the Table of fees will be **entirely and automatically** excluded from the tender procedure.

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 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 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);

<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.

- 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>

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*

- University degree in public relations, communications, journalism, law, or related fields
- At least 3 years of experience of provision of similar services, or any similar 3-year experience in media, either as a journalist in traditional or digital media, or as a publicist
- Fluent in Ukrainian
- Financial offer not exceeding the exclusion level set out in the Act of Engagement (Section A).

#### *Award criteria*

- Quality of the offer (90%), including:
  - Expertise, including strong knowledge of Ukrainian media landscape, communication strategies and tools - 30 %
  - Relevance of the experience of the tenderer to the areas covered by this call, including previous similar work (experience related to the communication work on the reforms will be regarded as an asset) – 40 %
  - Strong writing skills – 20%
- Financial offer (10%).

The Council reserves the right to hold interviews with eligible tenderers.

Multiple tendering is not authorised.

### F. DOCUMENTS TO BE PROVIDED

- Two completed and signed copies of the **Act of Engagement**<sup>4</sup> (See attached);
- A detailed CV, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Copies of registration documents (for private entrepreneurs only);
- Cover Letter that should include:
  - Tenderer's motivation to carry out the assignments mentioned above for the Project;
  - A brief description of how the Project's visibility could be raised/improved (what methods/platforms/media outlets could be used);

<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.

- 3 (three) referees' contact details from previous/current employers or clients with full name, position, company/institution name, phone number and e-mail address (indicating whether the Project can contact them);
- list of written pieces for newsletters/websites/social media platforms/print media outlets with links to the materials online; infographics (if any) produced: social media campaigns contributed to (if any); large communication campaigns which the applicant had a significant role in planning, designing, managing and communicating; links to any video materials produced under the applicant's supervision etc.
- at least two examples of written pieces/articles;
- list of media outlets the tenderer has worked with/for in terms of publishing his/her materials.

**Act of Engagement and CV should be submitted in English, failure to do so will result in the exclusion of the tender. Cover letter may be either in English or Ukrainian. All other documents may be submitted in Ukrainian. If any of the documents listed above are missing, the tender will not be considered.**

**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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