

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of communication services for the Offices of Attorney General and State Advocate in Malta

5203/2024/02



The Council of Europe is currently implementing the EU-CoE Joint Project: "Attorney General and State Advocate in Malta – Implementation of action plan of offices re-organization". In that context, it is looking for Provider(s) for communication services to be requested by the Council on an as needed basis.

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 €6,000 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 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 consortium of natural and/or legal person.

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 – 3535 Communications Services**. 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 - 3535 Communications Services**

Type of contract ►	Framework contract
Duration ►	Until 31 October 2025
Deadline for submission of tenders/offers ►	14 January 2024 23h59 CET
Email for submission of tenders/offers ►	dgi-coordination@coe.int
Email for questions ►	dgi-coordination@coe.int
Expected starting date of execution ►	23 January 2024

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

Background of the Project

The Council of Europe is currently implementing the EU-CoE Joint Project: "Attorney General and State Advocate in Malta – Implementation of action plan of offices re-organization" which aims at supporting Malta to ensure the full operational independency of the Office of the Attorney General and the Office of State Advocate and the strengthening of institutional performance and capacities for their effective functioning. The Project aims to establish operational processes, measurements, and ensure continuous training and ICT integration. The Project will also contribute to the improved public trust, accountability and transparency of the institutions through supporting respective communication strategies.

The Council of Europe is looking for up to 5 (five) Providers (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 be held by 31 October 2025. 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 1.000.000 Euros and 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.

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: Measuring public trust for the Office of the Attorney General of Malta	5
Lot 2: Development of communication and stakeholder / public relations strategy for the Office of the Attorney General of Malta	5
Lot 3: Development of stakeholder relations and communication strategy for the Office of the State Advocate of Malta	5
Lot 4: Training on communication	5
Lot 5: Support in design of communication actions, such as but not limited to: press-release; newspaper or magazine article; feature story; op-ed; social media post; scripts for video/animation and collection of analytics on the publised communication items	5

Lot 1 concerns the support will be provided to assist the Office of the Attorney General of Malta to hold surveys to measure public trust whenever is needed. The activities shall take into consideration the specific aspects of the work of the Office and the results of the test evaluation that will be organised. In particular, the project will help the Office of the Attorney General to design and carry out a survey to measure the level of public trust. The results of the survey will be analysed to produce an evaluation of the level of public trust. This evaluation shall consider the results of previous evaluations, the current situation and circumstances and propose the most suitable methodology for such a survey. On the basis of the methodology proposed for the survey a model evaluation tool (questionnaire) will be designed for the Office to allow regular surveys to measure public trust.

Lot 2 concerns developing communication and stakeholder / public relations strategy for the Office of the Attorney General of Malta on the basis of communication with various stakeholders and public. This strategy will also include respective action plan.

Lot 3 concerns development of stakeholder relations and communication strategy for the Office of the State Advocate of Malta on the basis of communication with various stakeholders considering the strategies and policies concerning the Office. This strategy will also include respective action plan.

Lot 4 concerns the organisation of several training sessions for the staff of the Office of the Attorney General to inform them about the developed communication strategy and methods to address challenges in communication, be prepared to answer inquiries from journalists and be resilient in the situations of negative publicity.

Lot 5 concerns the assistance in designing of several specific communication actions in line with the communication strategy and the accompanying action plan.

The Council will select the abovementioned number of Providers 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:

- Conduct qualitative and quantitative research to measure public perception of and the trust for the Office of the Attorney General of Malta (including sampling; design and development of questionnaire(s)/evaluation tool(s); organisation and implementation of interviews; collection of information provided by the participants) analytical presentation of the findings and provision of recommendations
- Create model evaluation tool(s)/questionnaire(s) for regular future surveys to measure public trust for the Office of the Attorney General of Malta

Under Lot 2:

- Develop communication and stakeholder / public relations strategy with an action plan for the Office of the Attorney General of Malta

Under Lot 3:

- Develop stakeholder and communication relations strategy with an action plan for the Office of the State Advocate of Malta

Under Lot 4:

- Develop training curricula, programmes and other materials to deploy a system of training on communications
- Conduct training sessions on communications

Under Lot 5:

- Design communication actions, such as but not limited to: press-release; newspaper or magazine article; feature story; op-ed; social media post; scripts for video/animation
- Provide photography; videography; video-animation; visual graphics/design services
- Develop/ provide analytical tools/ materials, such as but not limited to: periodic analytical reports on the feedbacks and comments to content (published / posted) on social media, webpages and other sources; media monitoring; web analytics

The above list is not considered exhaustive. The Council 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 standard;
- Any specific instructions given by the Council – 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 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.

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 to the selected Provider(s) 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 for the relevant lot 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 5 (five) 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, 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

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.

³ The Council of Europe reserves the right to ask tenderers, at a later stage, to supply the following supporting documents:

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 or if their owner(s) or executive officer(s), in the case of legal persons, are included in the lists of persons or entities subject to restrictive measures applied by the European Union (available at www.sanctionsmap.eu).

Eligibility criteria

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

- University degree in journalism, communications, social sciences, public and/or international relations, media, or related fields;
- At least 3 (three) years of relevant professional experience in statistics and/or communications and/or government/public relations in justice and/or in the public sector and/or international organisations
- Proficient knowledge of English (C1/C2 level CEFR).

Award criteria

- Criterion 1: Relevant qualifications and previous experience (70%)
- Criterion 2: Financial offer (30%)

The Council reserves the right to hold interviews with 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 Engagement⁴** (See attached);
- A pro-forma invoice/quote for providers subject to VAT (See Section D);

- 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).

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.

- A detailed CV demonstrating clearly that the tenderer fulfils the eligibility criteria. Where the tenderer is a legal person, this shall include the CV of the person(s) who will be assigned to carry out the work;
- A list of all owners and executive officers, for legal persons only;
- A short portfolio containing examples of relevant previous work.

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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