**TENDER FILE / TERMS OF REFERENCE**

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

**Purchase of services related to video production on mediation and arbitration in Türkiye.**

The Council of Europe is currently implementing a Joint project on “Promoting Alternative Dispute Resolution (ADR) in Turkey” which is co-funded by the European Union and the Council of Europe. The Turkish Ministry of Justice is the end beneficiary of the Project. The project duration is 45 months. It started on 17 December 2020 and will finish on 15 September 2024. In that context, it is looking for a Provider for the provision of services related to **a** **video production** on mediation and arbitration in Türkiye 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-2), 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 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 - ADR Video.** Tenders addressed to another email address **will be rejected.** Deadline for submission of offers is **26 February 2024 (10:00, Türkiye time).**

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 latest by 19 February 2024 (18.00, Türkiye time) and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - ADR Video Production.**

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| --- | --- |
| **Type of contract ►** | Framework contract |
| **Duration ►** | Until 31 July 2024 |
| **Deadline for submission of tenders/offers ►** | **26 February 2024** |
| **Email for submission of tenders/offers ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Email for questions ►** | [**ankara.office@coe.int**](mailto:ankara.office@coe.int) |
| **Expected starting date of execution ►** | 11 March 2024 |

1. EXPECTED DELIVERABLES

**Background of the Project**

The Council of Europe is looking for maximum 3 providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise and human resources for video production on mediation and arbitration.

**Scope of the Framework Contract**

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference).

This Contract aims to cover production of one video on mediation and arbitration.

The services will be requested by the Council on an as needed basis with the order form including the detailed specific details.

The work, in general, includes:

1. **Video production on mediation and arbitration (5-8 minutes)**

A video of 5-8 minutes in length will be developed to support the promotion and the programme for of mediation and arbitration. A movie script will be delivered to the service provider. Script must be followed strictly. The video may be produced with a hybrid method which means combining:

Real filming/shooting one or more than one people as narrator(s) in the studio, outdoors, sets and public buildings and areas. Filming might include aerial shooting.

Info-graphic, video-graphic animation technics. Main flow of the scene/text will be based on a narrative told by the people (actor/actress).

* **Concept and scenario preparation**

The scenario will be provided by the project to the service provider. The scenario will be followed strictly without any changes.

* **Production**

-Services and equipment such as studio, drawing tablet, story boards, camera, sound and microphone systems and postproduction software, dubbing equipment will be provided by the service provider.

The full and integrated film will be suitable for the publication on all professional mediums including cinemas and, on the internet, and different social media platforms (Instagram, Twitter, YouTube, Facebook, etc.)

-Shooting must be executed in a professional manner. It is necessary to have assistants and a director in the shootings, prompter and prompter operators should be provided when needed,

All actors and actresses and dubbing artists must have a proven career in cinema or TV.

Shootings will be performed indoors (film studio) and outdoors, (shooting platforms including filming activities of the project, daily activities in courts and mediation centres, shootings with professional actors)

-Studio and outdoor shootings must be organised by the service provider. Project team will only provide assistance for the necessary legal actions to shoot inside of the public buildings, all necessary applications and permits must be obtained by the service provider for all outdoor filming. All costs will belong to service provider.

-It is expected that the text, presentation, and visuals requested and provided during the processing of the Greenbox video footage will be placed in the background, montage, audio mixing, colour editing and the final video in 4K quality (QFHD i38406 x 2160) and screen ratio adaptable to cinema screenings, 16:9 and all internet mediums.

-All actors and actresses, including both playing and dubbing phases, must be professionals with proven careers.

* **Editing and post-production**

-At the post-production process some informative elements will be added to the film during the narration. These elements could be typographic, video-graphic, animated illustrations and/or infographics.

-The technical elements must be convenient for the up-to-date filming and video-graphic tendencies.

* **Technical specifications**

-The language of the video and the other materials will be Turkish.

-The selected consultant company/service provider will undertake all pre- and post-production activities including final mastering.

-The video must be delivered in MOV, MP4 and AVI formats.

-The video requires 4K quality (QFHD i38406 x 2160) and screen ratio adaptable to cinema screenings, 16:9 and all internet mediums.

-All the scenes of the movie will either be filmed by the service provider in 4K quality with professional actors and actresses and professional shooting teams or will be obtained by the service provider through legally binding procedures. All legal responsibility of the copyrights and originality of all scenes and the scenario belongs to the service provider.

-In accordance with the scenario, the Service Provider shall make aerial shootings if necessary; aerial shootings shall be made with aerial shooting vehicles such as helicopter, drone, flycam, aircam, helicam, etc.

-Service Provider shall use shooting equipment such as jimmy jip, steadicam, slyder, time lapse etc. when deemed necessary to increase the image quality during the shootings.

-Service Provider shall ensure that the video clips are in International Broadcasting Standards (EBU) and coded with the common video code in the broadcast formats maintained by the televisions in order to be shown on television channels in order to be used in all kinds of promotions or publications at home and abroad.

-The video might require 2D animations, illustrations/drawing, infographics, video-graphics, typographic elements if the script demands.

-All the design files must be submitted in vectoral formats (with the working files), PDF, and other formats according to needs of the work (PNG, JPG, TIFF etc.).

-Design files must be submitted ready for print and allowing to work on later on.

* **Visibility rules**

-The communication materials that will be produced under this assignment/contract must be in line with both visibility rules for external actions of Council of Europe in general and the Project of “Promoting Alternative Dispute Resolution (ADR) in Turkey” in specific.

-Visibility Rules guidelines will be provided by the project team to the consultant company/service provider.

* **Copyright and licences**

-The music, illustrations, and drawings to be used in the video shall be free of copyright infringements, might be original and new or selected from copyrighted catalogues on producer’s expense. In both cases, the copyright will belong to the Project and the Council of Europe.

-The Council of Europe will be granted the right to make copies. The original footage will be shared, and the Council of Europe will be given permission to adapt, use and share these materials.

* **Other items**

-In case of adding sign language to the video, the related budget item must be added into budget.

-Copies of the videos will be delivered to the Council of Europe Ankara Programme office on separate USB discs and sent as online.

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).

For information purposes only, the total budget of the project amounts to 4.000.000 Euros and the total amount of the object of present tender **shall not exceed 20,000 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.

1. FEES

Tenderers are invited to indicate their fees, by completing and sending the table of fees with an indication of total fee, 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 number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

**Payments will be done according to following schedule:**

* Final payment of **100%** upon the submission and acceptance of the final versions of the deliverables.

1. 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), by post or electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

**Ranking**

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. Orders will be addressed in priority to the first Provider on the ranking list of the tender. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender, and so on down the list.

**Providers subject to VAT**

The Provider, **if subject to VAT**, shall also send, together with each signed Form, a quote[[2]](#footnote-3) (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.

1. 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-4)

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;
* [have not fulfilled, in the previous four 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](http://www.sanctionsmap.eu)).

*Eligibility criteria*

* Proven professional experience in the last three years, indicated for each year during 2020-23, in production of a video with hybrid method which means combining: (1) Real filming/shooting and (2) Info-graphic, video-graphic animation technics.
* Proven professional careers of the team clearly showing their experience in video and film producing sector, including the dubbing and post-production.
* Proven capacity to create original films and audio-visual artwork.
* Proven filmography of film and videos produced and broadcasted in EBU standards within the last five years.
* Must have been officially certified for more than five years of a “cinema producer certificate” issued by the General Directorate of Cinema of the Ministry of Culture and Tourism of the Republic of Türkiye.

*Award criteria*

* Quality of the offer (70%), including:
* Strong experience and expertise in the field of hybrid method such as combined real filming/shooting and info-graphic, video-graphic animation technics, creating and delivering unsynchronised, other international organisations, national institutions, or non-governmental organisations with a proven record of broadcasted filmography in EBU standards within the last five years (35%);
* Timetable which clearly demonstrates how the service provider plans to deliver the services described in the Terms of Reference (20%)
* Having a multi-disciplinary team with filming (including but not limited to production, editing, acting, dubbing, post-production and publication in several mediums) experience for written and/or visual materials (15%);
* Financial offer (30%).

Multiple tendering is not authorised.

1. NEGOTIATIONS

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

1. DOCUMENTS TO BE PROVIDED

* A completed and signed copy of the **Act of Engagement[[4]](#footnote-5)** (See attached);
* CVs, preferably in Europass Format, of the key personnel that will take part in this service;
* Company Profile demonstrating clearly
  + how the tenderer fulfils the award criteria, summarising experience in the field,
  + providing concrete examples and samples of videos, minimum three samples
  + list of equipment;
  + photos of the studio
* Time table to demonstrate how the expected services will be delivered
* A list of the films that has been carried out in the last 3 years (2020-23) (films must be broadcasted on TV or screened in cinema);
* 3 contacts of the references for past works undertaken by the bidder;
* Company registration documents (scanned copies of the original documents in Turkish), for legal persons only.
* A list of all owners and executive officers, for legal persons only;

**All documents (except the certificate of registry and samples that may be submitted in Turkish) 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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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-2)
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. [↑](#footnote-ref-3)
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-4)
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-5)