

# TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)



**Purchase of international consultancy services in the areas of freedom of the media and expression, freedom of information, data protection and privacy, as well as capacity-building for media and legal professionals.**

## ***Contract N° FR-PRO-M-FEX-20-11-2023***

The Council of Europe is currently implementing and until 30 June 2025 a Project on Promoting Media Professionalism and Freedom of Information in Azerbaijan – PRO-M-FEX. In that context, it is looking for Provider(s) for the provision of intellectual services on freedom of the media, freedom of expression and freedom of information, as well as data protection and privacy, capacity-building for media and legal professions 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 Europe<sup>1</sup>, 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 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: Call for international consultants – PRO-M-FEX.** 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 on call for international consultants – PRO-M-FEX.**

|  |  |
|--|--|
| <b>Type of contract ▶</b>                          | Framework contract   |
| <b>Duration ▶</b>                                  | Until 30 June 2025   |
| <b>Deadline for submission of tenders/offers ▶</b> | <b>05 January 2024</b> 18:00 Baku time                     |
| <b>Email for submission of tenders/offers ▶</b>    | <a href="mailto:tenderbaku@coe.int">tenderbaku@coe.int</a> |
| <b>Email for questions ▶</b>                       | <a href="mailto:tenderbaku@coe.int">tenderbaku@coe.int</a> |
| <b>Expected starting date of execution ▶</b>       | 15 January 2024  |

<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](#).

## B. EXPECTED DELIVERABLES

### Background of the Project

The Project aims to contribute to improvement of the landscape for media and information society in Azerbaijan by strengthening the national legislation and its practice in addition to boosting media professionalism. The current Project continues addressing the need to strengthen the national legislation on media, freedom of expression, access to information and data protection in addition to raising the capacities of Azerbaijani journalists on media and information literacy and on ethical standards when covering gender-based violence, conflicts, as well as social and political events.

The Council of Europe is looking for 18 Provider(s) (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on international legal standards related to data protection, freedom of expression and access to information, in addition to media reporting of conflicts, gender-based violence as well as media and information literacy, countering disinformation and hate speech in media.

This Contract is currently estimated to cover up to 15 activities to be held by 30 June 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 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: Data Protection and Privacy     | 3  |
| Lot 2: Media and Freedom of Expression | 3  |
| Lot 3: Access to Information           | 3  |
| Lot 4: Conflict-sensitive Journalism   | 3  |
| Lot 5: Media and Information Literacy  | 3  |
| Lot 6: Media Reporting of GBV          | 3  |

**Lot 1** concerns performing assessments and gap analyses of Azerbaijan's national policies, regulations, and legislative frameworks in the context of data protection and privacy. It also covers designing and executing focused training programmes, including the creation of specialised training materials and curriculum, with a concentration on international standards in data protection and privacy. The primary target groups of these training initiatives include legal professionals, including lawyers, judges, and prosecutors, as well as institutions engaged in legal training within Azerbaijan.

**Lot 2** concerns conducting assessments and gap analyses of Azerbaijan's national policies related to media and freedom of expression. It also covers designing and implementing targeted training programmes with specialised materials, focusing on international standards in media and freedom of expression. Primary target groups include legal professionals (lawyers, judges, prosecutors) and institutions involved in legal training in Azerbaijan.

**Lot 3** concerns conducting assessments and gap analyses of Azerbaijan's national policies, regulations, and legislative frameworks concerning freedom of information and access to information. It also covers designing and implementing targeted training programmes, accompanied by the development of specialised training materials and curriculum, with a focus on international standards in freedom of information and access to

information. The primary target groups of these training initiatives comprise legal professionals, including lawyers, judges, and prosecutors, as well as institutions engaged in legal training in Azerbaijan.

**Lot 4** concerns delivering training sessions and developing comprehensive training materials and curricula specifically designed for media professionals, including journalists, media experts, educators, and representatives from social media platforms. The primary focus will be on conflict-sensitive journalism, ensuring a specialised and targeted approach to enhance skills and understanding within this field.

**Lot 5** concerns conducting training sessions and developing comprehensive training materials and curricula specifically designed for media professionals, comprising journalists, media experts, educators, and representatives from social media platforms. The primary focus will be on media and information literacy, as well as countering disinformation and hate speech in the media. This deliverable aims to enhance participants' skills and knowledge in promoting responsible and informed media practices.

**Lot 6** concerns conducting training sessions and developing comprehensive training materials and curricula specifically designed for media professionals, including journalists, media experts, educators, and representatives from social media platforms. The primary focus will be on promoting ethical standards in media reporting, particularly addressing gender-based violence. This deliverable aims to equip participants with the knowledge and skills necessary for responsible and sensitive reporting on issues related to gender-based violence within the media landscape.

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:

Under all 6 (six) Lots:

- Drafting analytical reports (assessments, gap analysis...);
- Participating at the events (workshops, conferences, high level meetings);
- Preparing training modules and training materials;
- Conducting trainings/workshops;

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/academic 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), 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 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 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);
- 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, terrorist financing, terrorist offences or offences linked to terrorist activities, child labour or trafficking in human beings;

<sup>2</sup> 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.

<sup>3</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.

- 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;

#### *Eligibility criteria*

- Minimum 6 years of professional experience in the areas of the project as defined in specific lots;
- A university degree in Law, Human rights, Media and Communications, Public Policy, Social Sciences, Gender Studies, Political science or in another relevant field;
- A university degree in Law, Human Rights Law or International Law is **required** to be eligible under **Lot 1; Lot 2 and Lot 3.**
- Excellent oral and written fluency in English (at least B2 level CEFR);

#### *Award criteria*

- Quality of the offer (80%), including:
  - Thematic expertise (related to media law, data protection law, access to information law, media reporting, capacity-building for media and legal professionals) gained from experience in drafting knowledge products such as books, articles, research and policy papers, baseline and comparative studies, desk reviews, legal advice/opinions, assessments, gap analysis, recommendations, handbooks, etc. and/or thematic expertise gained from experience in developing or applying methodologies, protocols, guidelines, toolkits, courses, teaching/learning materials or from carrying out trainings, etc.;
  - Writing and language skills in English;
  - Previous experience in the relevant type of activity and/or conducting work in international context/ within international organisations.
- Financial offer (20%).

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 Engagement**<sup>4</sup> (See attached);
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Registration documents, for legal persons only;
- A cover letter in English (1 page maximum) highlighting the most relevant expertise regarding the lot(s) tendered for;

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<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.

**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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