

## TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / Framework Contract)

### Purchase of consultancy services in the field of communications - Georgia Contract N° SMIP-GE.25.10.2021



The Council of Europe is currently implementing a Cooperation Project on "Strengthening Freedom of Media, Internet Governance and Personal Data Protection in Georgia" SMIP-GE. In that context, it is looking for Provider(s) for the provision of consultancy services in the field of communications 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 €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, 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 – Consultancy in the field of Communication.** 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 - Consultancy in the field of Communication**

Type of contract ▶	Framework contract
Duration ▶	Until 30 December 2022
Deadline for submission of tenders/offers ▶	<b>20 January 2022</b>
Email for submission of tenders/offers ▶	<a href="mailto:mediaprojectgeorgia@coe.int">mediaprojectgeorgia@coe.int</a>
Email for questions ▶	<a href="mailto:mediaprojectgeorgia@coe.int">mediaprojectgeorgia@coe.int</a>
Expected starting date of execution ▶	01 February 2022

<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 cooperation project "Strengthening Freedom of Media, Internet Governance and Personal Data Protection in Georgia" is implemented by the Council of Europe. It is aimed at enhancing media, internet and personal data protection landscape in Georgia through improved legislation, policy and increased capacity of key stakeholders, to address challenges in line with the European human rights standards and principles.

The project is focused on:

1. Promoting professionalism and respect for ethical rules among journalists;
2. Increasing capacity of media regulatory and self-regulatory bodies;
3. Facilitating cooperation and exchange among stakeholders in the field of internet governance;
4. Raising awareness about international standards in the field of access to public information;
5. Supporting major stakeholders to enhance protection of journalists;
6. Supporting inclusive and informed decision-making in the legislative processes in the fields of audiovisual services and personal data protection;
7. Assisting policy development in the field of personal data protection and use of algorithms.

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

This Contract is currently estimated to cover up to 10 activities, to be held by 30 January 2023. 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 and those of the counterpart institutions in Georgia.

For information purposes only, the total budget of the project amounts to 481.000 Euros and the total amount of the object of present tender, including all orders for all providers, **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

Throughout the duration of the Framework Contract, one or more pre-selected Providers may be asked to provide one or all the below mentioned services:

1. **Development of a communication strategy and action plan;**
2. **Capacity building of the team(s) implementing the communication action plan (skill development and knowledge enhancement for the implementation of public relations campaigns, engaging new audience, creating a content for social networks and web-page (posts, articles, newsletters, posters and video materials);**
3. **Advising on the development of Terms of Reference (including, technical specifications on branding and communication tools: web-platform, brand book, publications design);**
4. **Assisting in carrying out of "audience" research and analysing the results;**
5. **Advising on specific media content and elaborating concept papers in the field of communications aimed at better visibility of project activities ;**
6. **Providing recommendations on visibility tools and aspects concernings the CoE project and/or its partner organisations in the field of media, internet and personal data protection.**

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, that is Communications.

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 as on needed basis, the pre-selected Provider[s] 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 pre-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 Providers 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.

Only those pre-selected Providers whose score, following the assessment of the Award Criteria (see Section E below), is equivalent to or higher than 3.5 will be selected.

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) calendar 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 pre-selected 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.

<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.

## 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;
- 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.

#### *Eligibility criteria*

- Graduate university degree in Communications, Marketing, Public Relations, Journalism, Business Administration, International relations or a related field;
- At least three (3) years' professional experience in the field of marketing and communications in Georgia;
- Excellent knowledge of Georgian and English languages;

#### *Award criteria*

- Quality of the offer (70%), including:
  - Relevance of the experience and level of expertise of the tenderer in the areas covered by the present tender;
  - Previous assignments in the framework of international cooperation projects;
  - experience in carrying out similar work as described by the present tender;
  - previous experience in advising in the field of media and/or internet;
  - Knowledge of Georgian landscape in the field of communications and relevant experience.
- Financial offer (30%).

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.

<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.

**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;
  - addresses the award criteria;
- **Letter of Motivation**, demonstrating the relevance of experience as well as giving examples of previous work assignments, relevant for this tender;
- **Registration documents**, for legal persons only;
- At least 2 (two) samples of work/deliverables reference/links to information campaign, media campaign, communication strategy, relevant to the experience the tenderer claims in the areas covered by this call.

**All documents shall be submitted in English (except registration documents for legal persons, which may be submitted in Georgian), 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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<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.