



CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF MEDIA PLURALISM AND AUDIOVISUAL REGULATION

2022/AO/39

Object of the procurement procedure ▶	Consultancy services for the provision of international consultancy services in the field of media pluralism and audiovisual regulation
Project ▶	Support for Media Pluralism and Freedom of Expression in the Republic of Moldova
Organisation and buying entity ▶	Council of Europe DGI – Information Society Department
Type of contract ▶	Framework Contract
Duration ▶	Until 30 June 2024
Expected starting date ▶	01 August 2022
Tender Notice Issuance date ▶	21 June 2022
Deadline for tendering ▶	14 July 2022

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The TERMS OF REFERENCE describe what will be expected from the selected Providers.
- **The TENDER RULES**9
The TENDER RULES explain the procedure through which the tenders will be submitted by the tenderers and assessed by the Council of Europe.
- **The ACT OF ENGAGEMENT (See Document attached)** is the document formalising the consent of the Parties to be bound by the LEGAL CONDITIONS, which are the legal provisions which will be applicable between the Council of Europe and the selected Providers. It also contains the TABLE OF FEES, which indicates the applicable fees, throughout the duration of the contract.

HOW DOES A FRAMEWORK CONTRACT WORK?

STAGE 1:

SELECTION of qualified Providers through a call for tenders and signature of a framework contract with all the pre-selected Providers.

STAGE 2:

ORDER(S) are addressed, on an as needed basis, throughout the duration of the contract, to the designated Provider(s).

EXECUTION as from the date of signature of each Order, unless the Order concerned provides otherwise.

HOW TO SUBMIT A TENDER?

STEP 1: Read the **TENDER FILE**

STEP 2: Complete the **ACT OF ENGAGEMENT** and collect the required **SUPPORTING DOCUMENTS**, as listed in section G of the terms of reference (below).

STEP 3: Send your **TENDER**, in accordance with the Tender Rules

PART I –TERMS OF REFERENCE

CALL FOR TENDERS FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF MEDIA PLURALISM AND AUDIOVISUAL REGULATION 2022/AO/15

A. BACKGROUND

The Council of Europe is currently implementing until June 2024 the Project "Support for Media Pluralism and Freedom of Expression in the Republic of Moldova," in the framework of the Council of Europe Action Plan for the Republic of Moldova 2021-2024. The project aims to assess the needs of the country to strengthen media and broadcasting sector through the implementation of Council of Europe and European standards.

The activities are structured around these components:

- I. The improvement of the regulatory framework related to media pluralism, audiovisual regulation, information disorder and access to information, by providing support:
 - In drafting, assessing and reviewing existing legal framework relevant to freedom of expression, media pluralism, information disorder, access to information in close consultation with other consultants;
 - To the broadcasting regulatory authority (the Audiovisual Council) to increase its capacity to work in an independent and transparent manner;
 - To the Audiovisual Council to facilitate the proper implementation of Audiovisual Media Services Code, efficient media monitoring during the election campaign, prevent excessive concentration of media ownership, information disorder etc.
 - To the civil society and regulatory authorities in the field of media in the implementation of the Audiovisual Media Services Code and connected laws.

- II. Enhancing professionalism of independent media outlets, journalists and the national public service broadcaster, by providing support aiming at:
 - The improvement and diversification of editorial policies within the Public Broadcaster, in particular production of documentary films and political/electoral programmes in line with international best practices;
 - Support to the public broadcaster in the digitalization process, enhancement of multimedia capacities;
 - Support to independent media outlets within the field of emerging new media products, support for initiatives in the field of information disorder, gender equality, journalism ethics, access to information, etc.;
 - Capacity building activities for journalists and media professionals on access to information, information disorder, new media, CoE media standards, gender equality, etc.

The Council of Europe is looking for a maximum of *20 (twenty)* Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the project with a particular expertise on the regulatory framework related to media pluralism, audiovisual regulation, disinformation, and access to information; support to the enhancement of professionalism of independent media outlets, journalists and the national public service broadcaster.

This Contract is currently estimated to cover up to *25* activities, to be held by 30/06/2024. 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 500 000 Euros and the total amount of the object of present tender should in principle not exceed 80 000 Euros 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.

B. LOTS

The Council of Europe is currently implementing a Project on "Support for Media Pluralism and Freedom of Expression in the Republic of Moldova" until June 2024. The Project aims at supporting the implementation of activities addressing the need for legislative reforms in the audiovisual field, capacity-building for media professionals, content diversification within the National Public Broadcaster and strengthening the access to information legal framework and its implementation in the Republic of Moldova.

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: Assessment and improvement of the regulatory framework related to <u>media pluralism, audiovisual regulation, information disorder and access to information</u>	12
Lot 2: <u>Enhancing professionalism of independent media outlets, journalists and the national public service broadcaster</u>	8

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).

Lot 1 concerns the following topics, but are not limited to:

1. EU Audiovisual Media Services Directive and the Council of Europe standards in the area of audiovisual regulation, media pluralism, information disorder;
2. Regulatory framework related to transparency of media ownership and media pluralism in line with European standards;
3. European best practices for non-linear audio-visual services;
4. European best practices in information security and protection of national audio-visual sphere;
5. Effective models of media co-regulation in the Council of Europe member states;
6. European best practices in the field of alignment of Access to Information and information disorder to national context.
7. Revision of Media monitoring strategy for the audiovisual regulatory authority in line with EU standards.
8. Ethical and journalistic standards and legal aspects of journalists' work during the elections;
9. Media monitoring of electoral and political pluralism, inflammatory speech, xenophobia and racism, hate speech and defamation;
10. Physical and digital safety of journalists, as well as sensitive approach to conflicts and war reporting;
11. Gender equality in mass-media, tackling hate speech in the audiovisual environment.

Lot 2 concerns the following topics but are not limited to:

1. International best practices in planning and production of documentary films about human rights and social issues and courses for filmmakers on development of documentary films;

2. Standards and best practices of elections' coverage by public service broadcasters in Europe;
3. European models and best practices in designing editorial policies and standards for media outlets and public service broadcasting;
4. Practices and trends in digitization, marketing strategies, multimedia development and promotion of media content.
5. Support to independent media outlets in the development of new-media successful products (such as story-telling, podcasts, video and other multimedia resources);

C. SCOPE OF THE FRAMEWORK CONTRACT

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to:
Under Lot 1:

1. Provide expert opinions with recommendations and legal assessments of acts, policy documents, draft documents and laws already in force such as but not limited to: Advertising Law, amendments to Law on Access to Information, Law on Freedom of Expression, Law on Personal Data Protection, Law on Access to Information, Fiscal Code, Law on Information Security etc;
2. Develop gap analysis reports, revision of by-laws, drafting legal opinions with recommendations concerning the proper implementation of the Audiovisual Media Service Code in line with the European standards, in particular but not limited to political pluralism, inflammatory speech, xenophobia and racism, hate speech and defamation etc;
3. Provide expert assistance in putting into practice the regulatory framework related to the Audiovisual Media Services by organising trainings related to coverage of election campaigns, media monitoring methodology etc.,
4. Engage in the revision of the Media Monitoring Strategy and Methodology of the national audiovisual regulatory authority.
5. Provide expert support and guidance to the relevant institutions and audiovisual regulatory bodies in terms of:
 - a) media pluralism, freedom of expression and access to information;
 - b) media coverage and elections;
 - c) journalistic ethics, transparency and media financing, and independence;
 - d) independent editorial policy, advertising, in line with the European legal practices;
 - e) production and moderating of political/electoral TV and radio programmes in line with international best practices;
 - f) application into practice the provisions of the Audiovisual Media Service Code;
 - g) promotion of gender equality in the media field;
 - h) European practices and trends in tackling and combating information disorder
 - i) Conflict-sensitive approach to journalistic reporting.

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.

Under Lot 2:

1. Provide expert assistance in the digitization process of the National Public Broadcaster through strategy development, action plan, capacity building events;
2. Provide expert support to the Public Broadcaster in the development of the organisation's 5-year Strategy and Action Plan;
3. Provide conceptual support and expert assistance to several independent media outlets in the development of successful new-media products on key relevant issues (podcasts, VOX populi, story-telling materials, social media strategies, etc.);
4. Support filmmakers through the delivery of seminars on human rights and social issues documentaries and their coaching on producing documentaries based on best European practices;

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.

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).

D. FEES

Tenderers are invited to indicate their unit fees, by completing the table of fees, as attached in Section A of the Act of Engagement. These fees are final and not subject to review.

The Council will indicate on each Order Form (see Section E below) the global fee corresponding to each deliverable, calculated on the basis of the daily fees, as agreed by this Contract.

E. 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 carried out on the basis of Order Forms submitted by the Council to the selected Service Provider(s), electronically, on **an as needed basis** (there is therefore no obligation to order on the part of the Council).

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.

Pooling

For each Order, the Council will choose from the pool of pre-selected tenderers the Provider for the relevant lot 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 quote¹ (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);

¹ It must strictly respect the fees indicated in Section A of the Act of Engagement as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the Act of Engagement, the Council of Europe reserves the right to terminate the Contract with the Service Provider, in all or in part.

- 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 Service 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.

F. ASSESSMENT

Exclusion criteria (by signing the Act of Engagement, you declare on your honour not being in any of the below situations)²

Potential suppliers or bidders 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 in relation to the tender procedure;
- 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 listed in Section G):

- A university degree in law/political sciences/social sciences/international relations/public administration/ journalism/marketing, IT or related fields;
- At least 5 years of professional experience in the areas mentioned as topics of Lots I-II (consulting, legal assessment and review, audiovisual production, new media, digitalisation or similar with proven experience in awareness and outreach campaigns; development and promotion of audiovisual services, capacity-building, academic/legal research, analytical work, expert assessments, working as trainers, contribution to the events as speakers etc.).
- At least 5 (five) proven years of experience working with media, journalists, public service broadcaster, national public institutions, CSOs and regulatory bodies;
- Be proficient in English (at least level B1 of the Common European Framework of Reference for Languages – to be referenced in the CV).

Award criteria

- Criterion 1: Quality of the offer (70%), including:
 - 50%: relevance of the experience and level of expertise of the tenderer in the areas covered by specific Lot;

² 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 requirements listed above under "exclusion criteria" are met;
- A certificate issued by the competent authority of the country of incorporation indicating that the fourth requirement is met.

- 20%: previous assignments with international organisations and in Eastern Partnership countries;
- Criterion 2: Financial offer (30%)

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

Multiple tendering is not authorised.

G. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the Act of Engagement.³
- Registration documents, for legal persons only;
- A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- For legal persons, detailed CVs of the delegated persons to apply, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria.
- Up to three samples of articles/study/research, legal opinion, report, short essay, analysis, multimedia products, communications and marketing strategy, event/workshop presentations, documentaries, or other relevant material produced in the last 5 years relevant for the lot/s the tenderers is tendering for shall be submitted, in regard to the specific and/or preferred fields of expertise

All documents shall be submitted in English (except legal registration documents), 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.

* * *

³ 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.

PART II – TENDER RULES

CALL FOR TENDERS

FOR THE PROVISION OF INTERNATIONAL CONSULTANCY SERVICES IN THE FIELD OF MEDIA PLURALISM AND AUDIOVISUAL REGULATION 2022/AO/15

ARTICLE 1 – IDENTIFICATION OF THE CONTRACTING AUTHORITY

1.1 Name and address

COUNCIL OF EUROPE

DGI

1.2 Background

The activities of the Organisation are governed by its Statute. These activities concern the promotion of human rights, democracy and the rule of law. The Organisation has its seat in Strasbourg and has set up external offices in about 20 member and non-member states (in Ankara, Baku, Belgrade, Brussels, Bucharest, Chisinau, Erevan, Geneva, Kyiv, Lisbon, Paris, Podgorica, Pristina, Rabat, Sarajevo, Skopje, Tbilisi, Tirana, Tunis, Warsaw, Venice and Vienna).

Council of Europe procurements are 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.

The Organisation enjoys privileges and immunities provided for in the General Agreement on Privileges and Immunities of the Council of Europe, and its Protocols, and the Special Agreement relating to the Seat of the Council of Europe.⁴

Further details on the project are provided in the Terms of Reference.

ARTICLE 2 – VALIDITY OF THE TENDERS

Tenders are valid for 120 calendar days as from the closing date for their submission.

ARTICLE 3 – DURATION OF THE CONTRACT

The duration of the framework contract is set out in Article 2 of the Legal Conditions in the Act of Engagement.

ARTICLE 4 – CHANGE, ALTERATION AND MODIFICATION OF THE TENDER FILE

Any change in the format, or any alteration or modification of the original tender will cause the immediate rejection of the tender concerned.

ARTICLE 5 – CONTENT OF THE TENDER FILE

The tender file is composed of:

- Technical specifications/Terms of reference;
- Tender rules;
- An Act of Engagement, including the Legal Conditions of the contract.

ARTICLE 6 – LEGAL FORM OF TENDERERS

The tenderer must be either a natural person, a legal person or consortia of legal and/or natural persons.

ARTICLE 7 – SUPPLEMENTARY INFORMATION

General information can be found on the website of the Council of Europe: <http://www.coe.int>

Other questions regarding this specific tendering procedure shall be sent at the latest by **one week before the deadline for submissions of tenders**, in English, and shall be exclusively sent to the following address: ana.chiriac@coe.int

This address is to be used for questions only; for modalities of tendering, please refer to the below Article.

ARTICLE 8 – MODALITIES OF THE TENDERING

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent **only** to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

ARTICLE 9 – DEADLINE FOR SUBMISSION OF TENDERS

The deadline for the submission of tenders is **14 July 2022**, midnight.

ARTICLE 10 – ASSESSMENT OF TENDERS

Tenders shall be assessed in accordance with Rule 1395 of 20 June 2019 on the procurement procedures of the Council of Europe. Assessment shall be based upon the criteria as detailed in the Terms of Reference.

ARTICLE 11 – NEGOTIATIONS

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

* * *

⁴ Available on the website of the Council of Europe Treaty Office: www.conventions.coe.int

FINAL CHECK LIST

1) BEFORE SENDING YOUR TENDER, CHECK THAT IT INCLUDES:

- A completed and signed copy of the Act of Engagement.⁵
 - Registration documents, for legal persons only;
 - A detailed CV, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
 - For legal persons, detailed CVs of the delegated persons to apply, preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria.
 - Up to three samples of articles/study/research, legal opinion, report, short essay, analysis, multimedia products, communications and marketing strategy, event/workshop presentations, documentaries, or other relevant material produced in the last 5 years relevant for the lot/s the tenderers is tendering for shall be submitted in regard to the specific and/or preferred fields of expertise.
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2) HOW TO SEND TENDERS?

Tenders must be sent to the Council of Europe **electronically**.

Electronic copies shall be sent only to cdm@coe.int. Tenders submitted to another e-mail account will be excluded from the procedure;

The deadline for the submission of tenders is **14 July 2022**.

⁵ 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.