

## TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure/Framework Contract)

### Purchase of national consultancy services for the Project "Human rights compliant criminal justice system in Ukraine" on various communication aspects of the project activities



### Contract N° 8749/2021/01

The Council of Europe is currently implementing the Project "Human rights compliant criminal justice system in Ukraine" until 31/12/2022. In that context, it is looking for Providers for the provision of national consultancy services on **various communication aspects of the project activities** to be requested by the Council of Europe 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, or a legal person except consortia.

Tenders shall be submitted **by email only** (with attachments) *to the email address indicated in the table below, with the following reference in subject: **Consultancy services 8749/2021/01***. 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 Tender 8749/2021/01."**

Type of contract ►	Framework contract
Duration ►	Until 31 December 2021
Deadline for submission of tenders/offers ►	17 February 2021
Email for submission of tenders/offers ►	HRCCJ.UA@coe.int
Email for questions ►	HRCCJ.UA@coe.int
Expected starting date of execution ►	01 March 2021

<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 Council of Europe Project "Human Rights Compliant Criminal Justice System in Ukraine" Phase II (the Project) is implemented from January 2021 until December 2022.

The current Project aims at ensuring effective functioning of the criminal justice system in Ukraine aligned with European human rights standards with a large focus on practical implementation of reforms in the criminal justice area, specifically with regard to the following components: 1) further harmonisation of the criminal procedure legislation and practice of its implementation in line with Council of Europe standards and best practices; 2) consolidation of independence, effectiveness and transparency of the public prosecution service (PPS).

Project beneficiary institutions are the Ukrainian Parliament, the Ministry of Justice of Ukraine, the Supreme Court, the Office of the Prosecutor General of Ukraine, the Prosecutors' Training Centre, the National School of Judges. Other partners include the Presidential Administration of Ukraine, the Ministry of Interior/National Police, the State Bureau of Investigations, the National Bar Association, and human rights NGOs.

The Council of Europe is looking for maximum 12 Providers/Local consultants (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, in accordance with the Lots below:

<b>Lots</b>	<b>Maximum number of Providers to be selected</b>
Lot 1: Photography	3
Lot 2: Videography and filming	3
Lot 3: Development of communication dissemination materials (graphic design and layout)	3
Lot 4: Communication and public relations	3

The Council will select the abovementioned number of Providers/Local consultants 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).

This Contract is currently estimated to cover up to 50 activities, to be held by 31/12/2022. 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 about 1 100 000 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.

### Scope of the Framework Contract

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

#### Under Lot 1:

- Attend the Project's public events;
- Provide photography services during the Project's events;
- Edit and make colour adjustment of photos taken during the Project's events;
- Store the photos from all the event on a special e-storage that can be accessed when need be.

#### Under Lot 2:

- Attend Project's events and shoot HD quality videos;

- Shoot interview videos with the Council of Europe representatives, Project's partners and beneficiaries, as well as other selected participants for the video.
- Preproduction, production and postproduction of short and medium promotional videos;
- Create infographics and other visual elements needed in the process of editing;
- Use translation and subtitles in English/Ukrainian where necessary.

#### **Under Lot 3:**

- Design, layout and format publications, and other printed and web-based communications materials taking into account the Council of Europe guidelines, and other requirements, as needed;
- Design and create illustration, art-work, maps, tables, charts and other graphic elements for communication and promotional materials;
- Determine size and arrangement of illustrative material and copy, and select style and size or type;
- Develop infographics using supplied data to present core messages and organize complex information into visual representations;
- Advise the Project staff on best design options (for the given content), and propose multiple versions for their consideration;
- Liaise with printers, if necessary;
- Deliver creative graphic and technical solutions (including infographics if required) for print, electronic, web-based and animated presentations.

#### **Under Lot 4:**

- Communication and public relations work with the Project and/or its partners to develop targeted communication strategies and action plans for their implementation;
- Conduct educational activities (i.e. trainings) on various communication aspects (SMM, communications strategy, etc) and prepare necessary dissemination materials for these events when need be;
- Preparation of news items/success stories/articles/press announcements/ press releases/other written materials on the activities of the Project and/or its partners for publishing and posting on the websites/social media platforms/in printed media, etc.;
- Identify opportunities for media coverage of the Project and make relevant suggestions to the Project team;
- Facilitate respective media representatives' presence at the events of the Project, including: identifying the media and journalists to be invited, sending out invitations, etc.;
- Liaise with the videographer and lead the process of production of videos on the activities of the Project and/or its partners that would include (but would not be limited to) the preparation of a storyboard for the video; advising on the video components (infographics, etc.); advising on the format of the messages for the speakers of the video; acting as a liaison when arranging the filming days (venue, time etc.); reviewing the draft videos sent by the videographer, identify mistakes, etc.
- Provide consultancy to the Project and/or its partners on the preparation of the awareness raising campaigns and visibility materials.

The abovementioned list of possible types of deliverables 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. 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 0 below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

#### Other expenses

In the event of the Provider being required to travel for the purposes of the contract, and provided the Terms of reference for a specific deliverable to be indicated in each Order Form do not stipulate that the global fees already include travel and/or subsistence expenses, the Council may undertake, subject to its prior agreement, to reimburse travel and subsistence allowances in compliance with the Council's applicable Rules and within the Project's budget.

### 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 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

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<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.

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, residence or establishment;
- 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.

### *Eligibility criteria*

Tenderers shall demonstrate that they fulfill the following criteria (to be assessed on the basis of all supporting documents listed in Section F):

- Tenderer should be a natural person or a duly registered legal person except consortia authorized to provide the relevant services in accordance with Ukrainian legislation;
- university degree in political science, public administration, media relations, journalism, design and photography or other related field;
- at least 3 years of professional experience in photography (for Lot 1), video recording and editing (for Lot 2), design and development/design of various layouts and materials (for Lot 3).

### *Award criteria*

- Quality of the offer (90%), including:
  - expertise in respectively photography (Lot 1), video recording and editing (Lot 2), design and development of visualisation materials (Lot 3), communication and public relations (Lot 4) (70%);
  - relevance of the experience of the tenderer in the areas covered by this call, including some previous similar assignments with international organisations (20%).
- Financial offer (10%).

The Council reserves the right to hold interviews with eligible 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);

<sup>3</sup> The Council of Europe reserves the right to ask tenderers, at a later stage, to supply 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 above listed exclusion criteria are met, and a certificate issued by the competent authority of the country of incorporation indicating that the fourth criterion is met.

<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.

- A detailed CV (maximum a 4-page document), preferably in Europass Format, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- registration documents, only for legal persons;
- A motivation letter (maximum 1-page document) describing tenderer's experience in accordance with the award criteria defined above in section E;
- Portfolio of the Tenderer, including short information on the projects accomplished during at least 3 recent years and at least 2 links to similar examples of work relevant to the Lot(s) the Tenderer applies for;
- Information about 2 (two) references (first name, last name, position, organisation, phone number and email);

**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. Shall documents or information be missing due to technical mistake, the Council of Europe may request those after the deadline for submission of tenders.**

**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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