

TENDER FILE / TERMS OF REFERENCE (Competitive bidding procedure / One-off contract)

Purchase of consultancy services for developing policy documents for the Ukrainian Public Broadcaster UA:PBC



Contract N° 4756/2021/28

The Council of Europe is currently implementing a Project "EU and Council of Europe working together to support freedom of media in Ukraine" (hereinafter – the Project) which aims to enhance the role of media and the public broadcaster in particular as an instrument for consensus building in the Ukrainian society.

One of the Project's expected results is to build the governance system of public broadcaster, which is financially sustainable and enjoys editorial independence to fulfil its role of public service media through the provision of expert support to developing policy and strategic documents of UA:PBC.

In that context, it is looking for a Provider(s) for the provision of consultancy services for developing policy documents for the Ukrainian Public Broadcaster UA:PBC (See Section A of the Act of Engagement), namely:

- 1) Policy of interaction with different groups of stakeholders,
- 2) Programme concept and on-line evaluation methodology of newly recruited staff members' adaptation,
- 3) Programme of the projects' digitalization.

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 Europe¹, 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 one or several **one-off contracts** 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. Each lot will be awarded to the Provider providing the best value for money for the lot concerned, on the basis of the award 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 – 4756/2021/28.** 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 – 4756/2021/28**

Type of contract ▶	One-off contract
Duration ▶	Until complete execution of the obligations of the parties (See Article 2 of the Legal conditions as reproduced in the Act of Engagement)
Deadline for submission of tenders/offers ▶	12 January 2022
Email for submission of tenders/offers ▶	Nina.Marushchak@coe.int
Email for questions ▶	Iryna.Ostapa@coe.int
Expected starting date of execution ▶	17 January 2022

¹ 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

The expected deliverables are described in **Section A of the Act of Engagement** (See attached). Please note that each lot concerns a different series of deliverables. Tenderers may tender for one, all or several lots.

C. FEES

All tenderers are invited to fill in the **table of fees** as reproduced in **Section A of the Act of Engagement**.

The Project is registered at the Cabinet of Ministers of Ukraine as a project of international technical support. The Project is exempted from VAT payment according to the Article 3 of the Framework Agreement between the Government of Ukraine and Commission of the European Union "Activities financed by the European Union partially or fully are exempted from taxes, custom fees or any other fees of similar nature".

Services should be invoiced VAT excluded, unless the Council requests otherwise.

D. 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)²

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 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

For lot 1:

- at least 3 years of experience in provision of consultancy services in the sphere of PR, communications and GR for developing strategic documents;
- being legally registered to provide services in question (for legal entities and private entrepreneurs).

For lot 2:

- at least 3 years of experience in provision of consultancy services in the sphere of human resources management, legal advice;
- being legally registered to provide services in question (for legal entities and private entrepreneurs).

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 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).

For lot 3:

- at least 3 years of experience in provision of consultancy services in the sphere of IT, digitalization, legal advice and/or project management;
- being legally registered to provide services in question (for legal entities and private entrepreneurs).

*AWARD CRITERIA***For lot 1:**

- Quality of the offer (60%), including:
 - Professional experience of the human resources to be engaged in the provision of the services described within this Tender file;
 - Stages and timeline for the provision of the services described under Lot 1 within this Tender file.
- Financial offer (40%).

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

For Lot 2:

- Quality of the offer (60%), including:
 - Professional experience of the human resources to be engaged in the provision of the services described within this Tender file;
 - Stages and timeline for the provision of the services described under Lot 2 within this Tender file.
- Financial offer (40%).

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

For Lot 3:

- Quality of the offer (60%), including capacity to meet the
 - Professional experience of the human resources to be engaged in the provision of the services described within this Tender file;
 - Stages and timeline for the provision of the services described under Lot 3 within this Tender file.
- Financial offer (40%).

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

Multiple tendering is not authorised.

E. NEGOTIATIONS

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

F. DOCUMENTS TO BE PROVIDED

Tenderers are invited to submit:

- A completed and signed copy of the Act of Engagement³ (See attached)
- A list of all owners and executive officers, for legal persons only;
- Professional profile in the form of official letter (stamped and signed) or PPT presentation with the following information:
 - A) description of the relevant professional experience as required by the eligibility criteria, including links to the referred activities/deliverables/inputs;
 - B) description of the professional experience of the human resources to be engaged in the provision of the services described under relevant Lot within this Tender file;
 - C) stages and timeline for the provision of the services described under relevant Lot within this Tender file.

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.

- **FOR LEGAL PERSONS AND PRIVATE ENTREPRENEURS:** copies of the registration documents with their brief summary translation into English – name of the company, date of registration, types of economic activity which can be legally provided;

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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