

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Purchase of consultancy services to support the development of the Educational Broadcasting Concept of the Public Broadcasting Company of Ukraine

Contract N° 9153/2024/16

The Council of Europe (hereinafter "CoE") is currently implementing the Project "Safeguarding Freedom of Expression and Freedom of Media in Ukraine" (hereinafter "the Project") under the Action Plan for Ukraine "Resilience, Recovery, and Reconstruction" 2023-2026. Within this co-operation framework, the CoE aims to address the consequences of the armed aggression in Ukraine by facilitating specific actions of key public service institutions in the country.

Through its previous media projects in Ukraine, the CoE has supported the public broadcaster at various stages of its institutional development. On 19 January 2017, the Public Broadcasting Company of Ukraine (hereinafter "PBCU" or "stakeholder") was officially registered. Since then, it has undergone organisational and structural transformations to ensure its services meet the needs of Ukrainian society and align with relevant European standards and best practices. The Project is now supporting the PBCU in its further transformation through the development of the Educational Broadcasting Concept (hereinafter also referred to as "Concept" and/or "document"), aimed at building a society where education can qualitatively improve life. The Educational Broadcasting Concept is integral to achieving the PBCU's strategic goals set by 2025:

- become a reliable, independent, and safe source of information for the majority of the population;
- promote critical thinking;
- reduce anxiety;
- stimulate reflection on collective trauma;
- create high-quality content to meet the cultural and educational needs of various audiences and groups.

All activities outlined in this contractual agreement must be completed by 15 December 2024, with no possibility of extension beyond this date.

In that context, it is looking for a Provider for the provision of Deliverables listed in the Act of Engagement (see Section A of the Act of Engagement).

A. TENDER PROCEDURE 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 €6,000 for intellectual services) and €55,000 tax exclusive.**

This specific tender procedure aims at concluding a **one-off 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: Tender – 9153/2024/16.** Tenders addressed to another email address **will be rejected.**

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](#).

The general information and contact details for this procedure are indicated on this page. You are invited to use the Council of Europe Contact details indicated below for any question you may have. **All questions shall be submitted by 26 July 2024 (23h59 CET) and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions - 9153/2024/16.**

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 ▶	31 July 2024 23h59 CET
Email for submission of tenders/offers ▶	dg2.foe.ukraine@coe.int
Email for questions ▶	dg2.foe.ukraine@coe.int
Expected starting date of execution ▶	05 August 2024

B. EXPECTED DELIVERABLES

The expected deliverables are described in **Section A of the Act of Engagement** (see attached).

C. FEES

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

Tenderers **subject to VAT** shall also send a **quote (Pro Forma invoice)** on their letterhead including:

- the Service Provider's name and address;
- its VAT number;
- the full list of services to be provided;
- 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.

D. ASSESSMENT

Exclusion criteria and absence of conflict of interests

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

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 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;
- have not fulfilled, in the previous three years, their contractual obligations in the performance of a contract concluded with the Council of Europe leading to a total or partial refusal of payment and/or termination of the contract by the Council of Europe.

Eligibility criteria

- **Composition of the assigned team:** The Provider should have at least two qualified experts on the team. The team should be composed of experts specialised in education policy. At least one expert should have expertise in developing broadcasting policies or good understanding of the educational broadcasting field. The team should have a Team leader, who will coordinate the work of the expert team and communication between the stakeholder, the CoE and the team of

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.

international experts. One of the experts can act as a Team leader, or these functions could be performed by other members of the team³.

- **Professional experience of the assigned experts:** At least five years of professional experience for all experts assigned to the implementation of the contract in providing expertise in the field of sociological research, educational policy, broadcasting policies and related fields, and a proven track of the delivery of similar services during the last three years.
- **Language skills of the assigned team:** All team members assigned to the delivery of services should have at least C2 level of Ukrainian; and the Team leader should have at least B2 level of English.

Award criteria

- **Quality of the offer (80 points), including:**
 - **Professional experience in delivering similar services (55 points):**
 - ❖ Professional expertise **(30 points)**, including:
 - Knowledge of the global trends in formal and informal education, as well as the educational environment of Ukraine.
 - General understanding of the genre and technological features of educational media products and the specifics of different media platforms.
 - Expertise in creating educational content and/or products for a wide range of audiences, including adults.
 - Experience in intellectual and methodological support for the educational community (developing educational or training programmes, video resources, etc.).
 - Understanding of disinformation and manipulative campaigns and educational tools to counter them.
 - Understanding the diversity of educational needs of different target audiences (including adults).
 - Experience in conducting educational campaigns and analysing educational needs and/or deficiencies.
 - Analytical skills for processing large data sets.
 - Communication skills and experience in public speaking, moderation of discussions and delivering presentations.
 - Understanding of the aim, scope, and typical structure of policy documents, such as Concepts or Strategies.
 - Ability to critically analyse policy documents and offer constructive feedback.
 - ❖ Quality of samples. **(10 points)**
 - ❖ Quality of the technical proposal. **(15 points)**
 - **Technical capacity to implement the services (25 points):**
 - ❖ Human and technical resources assigned to the delivery of the services. Diversity and gender balance of the assigned team. **(15 points)**
 - ❖ Ability to implement the Deliverables within the established deadlines, and/or the proposed timeframe for the implementation of the Deliverables and the sub-deliverables. **(10 points)**
- **Financial offer (20 points).** *For the assessment purposes, the following exchange will be applied: EUR 1 = UAH 45,18*

The Council reserves the right to hold interviews with tenderers. Multiple tendering is not authorised.

³ Please also note that the Provider may assign other team members (non-experts), who may carry out technical, administrative, and other support needed for the implementation of the contract. The human capacity of the Provider will be assessed against the award criteria.

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 Engagement⁴ (see attached).**
- For tenderers subject to VAT only: **a quote, describing their financial offer**, in line with the requirements of section C of the Tender File (see above).
- **Registration documents:** scans of the original documents and their translation into English that confirm the legal right to carry out the requested services. *In case of a consortium*, it shall submit the registration documents of all legal entities and private entrepreneurs, which are listed as its members.
- **Portfolio** (for legal persons) and **CVs** (for natural persons), as well as CVs of all assigned team members with the indication of their education, professional experience, and language skills. The documents should be provided in English.
- **At least two samples** of the previous works (English and/or Ukrainian) relevant to the deliverables indicated under this contract, but at least one sample of previous work(s) belonging to each expert assigned to the team. The priority should be given to the research and/or policy documents covering the field of educational broadcasting, educational policy, broadcasting policy or related fields.
- **Technical proposal in English** that should contain:
 - Information on the **assigned team**, roles and responsibilities of the team members; *for a consortium*, the composition of the consortium and the dissemination of roles and responsibilities between its members should clearly stipulated.
 - Proposed **methodology** for the implementation of the services, including the work plan with the breakdown of the time needed for the implementation of the Deliverables and their sub-deliverables.
 - Any other additional information on the professional expertise and technical capacity of the Tenderer.

All documents shall be submitted in English or Ukrainian, if stipulated above, 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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⁴ The Act of Engagement must be completed, signed, scanned in its entirety (i.e. including all the pages) and sent as a compiled document. For all scanned documents, .pdf files are preferred.