

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Contract N° 9153/2024/10**

## **Purchase of technical services to update the Suspilne.Radio mobile application**

The Council of Europe 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 Council of Europe intends to directly 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 implemented in Ukraine, the Council of Europe has been supporting the formation of a public broadcaster at various stages of its development. On 19 January 2017, the Public Broadcasting Company of Ukraine (hereinafter, also "Suspilne" or "stakeholder") was officially registered. Since then, it experienced organisational and structural transformations.

The Project is supporting the Public Broadcasting Company of Ukraine in its further enhancement. Under the previous Council of Europe media projects, the Organisation assisted in the development of Suspilne.Radio mobile application. In 2024, as a part of its technical support to the Public Broadcasting Company of Ukraine and in light of the 100 Anniversary of Ukrainian Radio, it committed to update the mobile application.

In that context, it is looking for a Provider for the provision of technical services to update the Suspilne.Radio mobile application (*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 Europe<sup>1</sup>, 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 – 9153/2024/10**. 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 Council of Europe Contact details indicated below for any question you may have. **All questions shall be submitted by 24 June 2024 (23h59CET) and shall be exclusively addressed to the email address indicated below with the following reference in subject: Questions – 9153/2024/10**.

<b>Type of contract</b> ▶	One-off contract
<b>Duration</b> ▶	Until complete execution of the obligations of the parties (see Article 2 of the Legal conditions as reproduced in the Act of Engagement)
<b>Deadline for submission of tenders/offers</b> ▶	<b>28 June 2024 23h59 CET</b>

<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>Email for submission of tenders/offers</b> ▶	<a href="mailto:DG2.FoE.Ukraine@coe.int">DG2.FoE.Ukraine@coe.int</a>
<b>Email for questions</b> ▶	<a href="mailto:DG2.FoE.Ukraine@coe.int">DG2.FoE.Ukraine@coe.int</a>
<b>Expected starting date of execution</b> ▶	08 July 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,<sup>2</sup> 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***

- **State registration:** Have a legal right to carry out IT and related services in Ukraine as per the state registration procedures and/or statutory documents (for legal entities and private entrepreneurs).
- **Language skills:** All team members assigned to the delivery of services should have at least C2 level of Ukrainian; and at least one team member should have B2 level of English or higher.
- **Professional experience:** At least three years of professional experience (including for all members of the consortium and assigned team members) in delivering IT and related services, specifically, the development of mobile applications; and delivery of similar services during the last three years.

<sup>2</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.

- **Previous co-operation with media:** Proven record of successful delivery of similar services (mobile applications) for at least two Ukrainian media outlets (current or former broadcasting licensees of the National Television and Radio Broadcasting Council of Ukraine, including for radio, TV channels, online media, etc.).

### **Award criteria**

- **Quality of the offer (80 points), including:**
  - Professional experience in delivering similar services (50 points):
    - ❖ Level of expertise, scope and volume of previous projects successfully delivered by the Tenderer in the past (25 points).
    - ❖ Quality of the methodology proposed (15 points).
    - ❖ Relevance and quality of samples provided (10 points).
  - Technical capacity to implement the services (30 points):
    - ❖ Experience and qualifications of key personnel in developing mobile applications, specifically for radio and other media (15 points).
    - ❖ Regulations, mechanisms, and procedures in place to ensure confidentiality, non-disclosure, data protection and safety of data storage (15 points).
- **Financial offer (20 points).**

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 Engagement<sup>3</sup> (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).
- For legal persons and private entrepreneurs: **registration documents** (scans of the original documents and their translation into English if relevant) that confirm the ability to carry out IT and related services in Ukraine. In case of a consortium, the consortium shall submit the registration documents of all legal entities and private entrepreneurs, which are listed as its members.
- A detailed **professional portfolio** of the Tenderer and/or members of the consortium in English, demonstrating clearly that the Tenderer's previous experience is relevant for the implementation of the deliverables described in Section A of the Act of Engagement and meet the requirements of the Call for Tender.
- **CVs** of the assigned team members/members of the consortium (for natural persons) with the indication of their education, professional experience, certifications, and language skills.
- **At least two samples** of the previous works. At least one sample should exemplify a mobile application developed for a radio or other media outlet. The samples should include:
  - A brief description of the product, links (if feasible), technical specifications of the product, year(s) of the delivery of the services, name of the stakeholder/client for which the service was carried out and its contact details (email and/or telephone number) and a reference letter or contacts of the client(s).
- **Technical proposal in English** that should contain:
  - Proposed methodology for the implementation of the contract (stages for the project implementation, interim deadlines, proposed technical solution, technical resources assigned, quality assurance and testing, post-launch support, risk management, other).
  - Composition of the team, key competences, and dissemination of roles on the team.
  - Tenderer's adherence to the confidentiality, non-disclosure, and data protection principles; information on internal mechanisms and/or regulations and technical

<sup>3</sup> 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.

capacities to ensure the confidentiality and non-disclosure of the information provided by the stakeholder, data protection and sufficient safety of data storage.

- Any other additional information on the professional expertise and technical capacity of the Tenderer.

**All documents shall be submitted in English or Ukrainian (if indicated in the Section "F" of the Tender file"), 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.**

\* \* \*