

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

**Contract N° 9153/2023/6**



**Purchase of services for designing and conducting research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine among the selected groups of stakeholders.**

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) (hereinafter "the Action Plan for Ukraine"). Within this co-operation framework, the Council of Europe intends to directly address consequences of the armed aggression in Ukraine by facilitating specific actions of key public service institutions in the country.

Under 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 was officially registered. In 2017-2023, it has experienced organisational and structural transformations from the state to a public service broadcasting company and undergone further development to ensure company's efficient functioning in line with European standards and good practices.

The Project is supporting the Public Broadcasting Company of Ukraine in its further transformation by commissioning research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by the public authorities. The research will be based on the data obtained from the in-depth expert interviews with representatives of the Ukrainian legislative and executive authorities. The aim of the research is to carry out the baseline assessment of the current situation and develop recommendations for further enhancement of co-operation between the Public Broadcasting Company of Ukraine and the public sector **(See Section A of the Act of Engagement)**.

To obtain quantitative data necessary for the research, the Service Provider is expected:

- **Deliverable 1:** Develop methodology for conducting in-depth interviews on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by representatives of the Ukrainian legislative and executive authorities, including the questionnaire for the interviews.
- **Deliverable 2:** Develop a schedule, arrange and carry out the in-depth interviews with at least 50 stakeholders.
- **Deliverable 3:** Conduct research on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine based on the data received at the interviews (Deliverable 2).
- **Deliverable 4:** Develop the final study on the current state of perception and attitude towards the Public Broadcasting Company of Ukraine by representatives of the Ukrainian legislative and executive authorities.

**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.

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<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](#).

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: "9153/2023/6 - Research for the PBCU"**. 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 before 26 September 2023 and shall be exclusively addressed to the email address indicated below with the following reference in subject: "9153/2023/6 - Questions"**.

<b>Type of contract ▶</b>	One-off contract
<b>Duration ▶</b>	Until full 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>29 September 2023 (23h59 CET)</b>
<b>Email for submission of tenders/offers ▶</b>	DG1.FoE.Ukraine@coe.int
<b>Email for questions ▶</b>	DG1.FoE.Ukraine@coe.int
<b>Expected starting date of execution ▶</b>	<b>16 October 2023</b>

## B. EXPECTED DELIVERABLES

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

**All deliverables and services should be provided by 15 December 2023.**

### 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, for each lot, **a quote (Pro Forma invoice)** on their letterhead 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.

## C. 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;
- 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*

Tenderers should demonstrate that they fulfil the following criteria:

- Proven previous experience in designing and conducting sociological surveys, focus groups and in-person interviews in Ukraine;
- Proven experience in developing analytical research and/or studies;

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<sup>2</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.

- Have at least three (3) years of experience in providing services similar to the deliverables described in **Section A of the Act of Engagement**;
- Be a natural person, a legal person or consortia of legal and/or natural persons;
- Proven capacity to implement the deliverables within the established deadline and assign at least three (3) staff members to the implementation of the contract;
- Have advanced level of Ukrainian and a good level of English (both oral and written).

#### *Award criteria*

- Quality of the offer (70%), which includes:
  - (40%) professional portfolio, relevance and level of the tenderer's previous experience and in carrying out similar tasks, including language skills; quality of previous works;
  - (30%) technical proposal (technical and human resources to be assigned to provide the requested services in full and within the established deadline; proposed methodology of conducting in-depth interviews and the research).
- Financial offer (30%).

Multiple tendering is not authorised.

#### D. NEGOTIATIONS

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

#### E. 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 the financial offer, in line with the requirements of Section C of the Tender File (see above);**
- Registration documents (scanned copy of originals in Ukrainian (if relevant) and English);
- A detailed professional portfolio in English, demonstrating clearly that the tenderer fulfils the eligibility criteria;
- Sample(s) of at least one (1) previously developed analytical research in Ukrainian and/or English;
- Samples of at least two (2) methodologies and/or results of the previously carried out surveys, focus group discussions and/or interviews in Ukrainian and/or English;
- Two (2) references or contacts of clients for whom the tenderer carried out similar services during the last three (3) years;
- Technical proposal in English explaining the proposed methodological approach to the implementation of the deliverables described in **Section A of the Act of Engagement**, listing available technical and human resources (particularly, CVs of the proposed personnel) to be assigned for the provision of the requested services.

**All documents shall be submitted in English if not indicated differently, except the scanned copies of the original registration documents to be submitted in Ukrainian (if relevant), 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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<sup>3</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.