

TENDER FILE / TERMS OF REFERENCE

(Competitive bidding procedure / Framework Contract)

Purchase of communication and visibility services

Contract N° BH 4648/2020/13



The Council of Europe is currently implementing (until May 2022) the joint European Union/Council of Europe programme "Horizontal Facility for the Western Balkans and Turkey 2019-2022" (Horizontal Facility II).

In that context, it is looking for Provider(s) for the provision of communication and visibility, public relations, multimedia and graphic design services, with the aim of enhancing the visibility of the programme, to be requested by the Council 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 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 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 a legal person. All forms of legal persons are accepted, including consortia."If the tenderer is a consortium, its members shall designate in their tender one party to act as a lead entity with authority to legally bind the members of the consortium jointly and severally. This shall be duly evidenced by a notarised Agreement among all the member entities. The lead entity shall act for and on behalf of all member entities comprising the consortium, and shall be the sole signatory of the contract on behalf of the Provider if the consortium is awarded the contract. The lead entity, as identified in the tender, shall not be changed throughout the contract duration without the prior written consent of the Council. Furthermore, neither the lead entity nor the member entities of the consortium can submit another tender, either in its own capacity; nor act as lead entity or member entity for another consortium submitting another tender. In case any member of the consortium does not conform to the exclusion criteria published in this call, the consortium shall be excluded.

The Provider may not subcontract all or part of the Deliverables without the written authorisation of the Council (see Article 6.4 of the Legal Conditions). In the event of subcontracting, the Provider remains responsible for the performance of the entire contract.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below, with the following reference in subject: Communication and visibility services – HFII.** 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: HFII Communication competitive bidding procedure.**

Type of contract ►	Framework contract
Duration ►	Until 20 May 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](#).

Deadline for submission of tenders/offers ▶	15 October 2020
Email for submission of tenders/offers ▶	Horizontal.Facility@coe.int
Email for questions ▶	Horizontal.Facility@coe.int
Expected starting date of execution ▶	05 November 2020

EXPECTED DELIVERABLES

Background of the Programme

The European Union/Council of Europe "Horizontal Facility for the Western Balkans and Turkey 2019-2022" is a co-operation initiative of the European Union and Council of Europe for the Western Balkans and Turkey. It enables the Beneficiaries to meet their reform agendas in the fields of human rights, rule of law and democracy and to comply with the European standards, including where relevant within the framework of the EU enlargement process. Themes covered by the Horizontal Facility include:

- Ensuring justice;
- Fighting economic crime;
- Combating discrimination and protecting the rights of vulnerable groups (including LGBTI, minorities, Roma and victims of trafficking in human beings) and
- Freedom of expression and freedom of the media.

The first phase of the programme included various Beneficiary-specific and regional initiatives and ran from 2016 to 2019. The second phase of the programme keeps building on the results of the phase I and broadens the thematic areas to new topics crucial for the Western Balkans region and Turkey – freedom of expression and media.

The second phase of the programme covers actions in Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia as well as Turkey and the regional dimension of the programme is strengthened. The Expertise Co-ordination Mechanism that provides legislative expertise and policy advice within the Council of Europe system remains an important part of the programme available to all Beneficiaries.

The Council of Europe is looking for a maximum of 30 Providers (provided enough tenders meet the criteria indicated below) in order to support the implementation of the programme with a particular expertise on developing and implementing communication and visibility awareness raising campaigns within the EU-funded projects, as well as on multimedia and graphic design services.

This Contract is currently estimated to cover up to 30 activities, to be held by 20 May 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 programme amounts to 41 million 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.

Lots

The present tendering procedure aims to select Provider(s) to support the implementation of the programme and is divided into the following lots:

Lots	Maximum number of Providers to be selected
Lot 1: Communication, visibility and public relation services	15
Lot 2: Multimedia/video and graphic design services	15

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

Lot 1 concerns services in the field of media relations - photo and video coverage of the public events preparation and distribution of media advisories and press releases, identifying and promoting success stories within the programme, ensuring media coverage of the events, media monitoring, preparation of communication campaigns aimed at media, establishing co-operation with media.

Lot 2 concerns services in the field of preparation of creative solutions for promotions of the programme, production of multimedia materials and graphic design services and management of social media accounts.

The Council will select the abovementioned number of Provider(s) 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).

Scope of the Framework Contract

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

Under Lot 1:

- Monitor media reporting after visibility events organised within the HFII in the Western Balkans and Turkey. The report on media monitoring will be prepared in English, containing a press digest and the relevant statistics (the number of distributed media advisories and press releases, the list of media where the press release and information about the event were published, the list of media representatives who participated in the event);
- Prepare communication campaigns for high visibility events, aimed primarily at media;
- Ensure photo and video coverage of the public events upon request;
- Prepare and distribute media advisories and press releases cleared by the European Union and Council of Europe staff, in English and local languages in the respective Beneficiaries;
- Liaise with media as necessary in order to achieve better media coverage in the Beneficiaries;
- Identify programme success stories that can highlight the impact of the programme – to be promoted through media, public relations events, written interviews/feature stories, short filmed subtitled interviews, infographics, social media, etc;
- Prepare the contact list of relevant media and/or journalists dedicated to the themes covered by the HFII in all seven Beneficiaries.

Under Lot 2:

- Plan, design and implement creative concepts in the promotion of certain events, topics, etc to better reach out to specific target groups;
- Create visual and video materials for purposes of raising awareness events and campaigns. These services will include preparation of the synopses of materials, necessary filming/photo shooting, subtitling, post-production, etc;
- Produce multimedia materials for promotion through social media and other channels (short videos, gifs, short animations, etc);
- Support the Council of Europe in managing relevant social media tools by providing copyright and finalised entries;
- Provide graphic design services for raising awareness campaigns – for infographics, results-based factsheets, etc.

The above list is 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).

B. 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.

The Council will indicate on each Order Form (see Section C below) the global fee corresponding to each deliverable, calculated on the basis of the unit fees, as agreed by this Contract.

C. 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 for the relevant lot 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 quote² (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 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.

² It must strictly respect the fees indicated in the Financial Offer attached to the original Provider's tender as recorded by the Council of Europe. In case of non-compliance with the fees as indicated in the original Provider's tender, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

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)³

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;
- 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 or are likely to be in a situation of conflict of interests;
- 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 both lots)

- The provider must be a registered company specialised in communications, public relations and/or marketing or graphic design services;
- The Provider must have at least 3 years of experience in the field of communications/journalism/public relations and/or marketing, implementation of raising awareness campaigns or graphic design services;
- The Provider must have at least 3 professionals with at least 5 years of experience each in the field of communications/journalism/public relations/marketing, graphic design services, who would be involved in implementing tasks requested under this tender;
- Capacity to design audio-visual materials (short films, infographics, etc);
- Capacity to reach out to and co-operate with the media in the Beneficiaries (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey);
- Solid knowledge of English - level C1 (based on the Common European Framework of Reference for Languages) and at least one of the languages spoken in the abovementioned Beneficiaries by the professionals involved in delivering tasks requested under this tender.

Award criteria

- Quality of the offer (70%), including:
 - Outline of the visibility and communication concept elaborating the approach to be used with regards to the HFII programme;
 - Quality of recent examples of similar campaigns and products;
 - Capacity to meet the deadlines indicated in the Act of Engagement;
 - Established relations with media in the Western Balkans and Turkey;
 - Capacity to adapt to the context.
- Financial offer (30%).

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

Multiple tendering is not authorised.

E. NEGOTIATIONS

³ 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 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).

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

F. DOCUMENTS TO BE PROVIDED

- A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- A list of all owners and executive officers, for legal persons only;
- Proof of compliance with the eligibility criteria (e.g. registration documents, list and examples of similar multimedia/written products and their date and language of production, detailed CVs of engaged professionals, preferably in Europass Format, contact details of three referees to whom similar services have been provided, list of media the tenderer has previously co-operated with, etc);
- Outline of the visibility and communication concept elaborating the approach to be used with regards to the HFII programme;
- At least three recent examples of similar campaigns and products.

At the time a specific assignment is ordered from a tenderer (legal person) assigning the production of the expected deliverables to an individual belonging to the category of civil servant or other public administration staff under the second phase of the Horizontal Facility, and following on the entry into force of Addendum 3 to the Horizontal Facility II contract with the European Union, the respective tenderer will be required to verify and provide the Council of Europe with the necessary supporting documents confirming that this individual submitted a written confirmation by his/her employer that secondary activities are allowed by national/local legislation and that the employer authorises the individual to carry out the object of this tender procedure as a secondary activity. In the absence of such a confirmation, the Council of Europe reserves the right to withdraw the order.

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.

* * *

⁴ 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.