

TENDER FILE / TERMS OF REFERENCE

(Restricted consultation procedure / Framework Contract)

Tender File 8564/2019/10
Amended 09/01/2019



Purchase of services on daily data collection and processing of TV broadcasting (national TV channels) during 2019 Presidential elections in Ukraine

The Council of Europe is currently implementing a Project “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine” within the Action Plan for Ukraine 2018 – 2021. In that context, it is looking for Provider(s) of daily data collection and processing services of Ukrainian TV broadcasting (national TV channels) in order to provide the specialists in charge of media monitoring (hereinafter – media monitors) with requested materials to be treated with regard to monitoring of media coverage of 2019 Presidential elections in Ukraine and to be requested by the Council on an as needed basis.

A. TENDER RULES

This tender procedure is a restricted consultation procedure. In accordance with Rule 1333 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 either a duly registered private entrepreneur in accordance with the Ukrainian legislation, or a duly registered legal person, except consortia.

Tenders shall be submitted **by email only** (with attachments) **to the email address indicated in the table below by 11 January 11:00 Kyiv time, with the following reference in subject: 8564_2019_10_TENDER_TV_DATA_COLLECTION.** 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 by 10 January 11:00 Kyiv time at the latest and shall be exclusively addressed to the email address indicated below with the following reference in subject: QUESTIONS_8564_2019_10_TENDER_TV_DATA_COLLECTION.**

Type of contract ►	Framework contract
Duration ►	Until 30 June 2019
Deadline for submission of tenders/offers ►	11 January 2019
Email for submission of tenders/offers ►	REPU@coe.int
Email for questions ►	REPU@coe.int
Expected starting date of execution ►	14 January 2019

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 1333 of 29 June 2011 on the procurement procedures of the Council of Europe](#).

B. EXPECTED DELIVERABLES

Background of the Project

Within the Council of Europe Action Plan for Ukraine 2018 – 2021, the Council of Europe is currently implementing the project “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine” – the project's activities are particularly aimed at increasing the integrity of electoral process through impartial election observation in line with European standards and good practices which among other includes enhancing the capacity of civil society representatives to monitor and report on media coverage of elections.

With the support of the Council of Europe projects on “Supporting the transparency, inclusiveness and integrity of electoral practice in Ukraine” and on “Strengthening Freedom of Media, Access to Information and Reinforcing Public Broadcasting System in Ukraine”, monitoring of media coverage of 2019 Presidential elections is planned to be held in partnership with the All-Ukrainian NGO Commission on Journalism Ethics (CJE) and a coalition of civil society organisations (CSOs). The main aim of the monitoring activity is to provide the media, the political contestants, the international community and the citizens with benchmarks to judge the fairness of the election process. Moreover, the monitoring activity is also intended to support the civil society in conducting professional public monitoring of the media coverage of elections and to assess the coverage against the Council of Europe and other international standards for the media coverage of elections and to reduce the negative effect of disinformation and propaganda on the election process. Overall, the goal is to contribute to a more fair and impartial media coverage of elections with the monitoring results to be used for advocating important changes and improvements of regulation of the media coverage of the next elections and of self-regulation in media community.

The monitoring will be conducted based on the methodology developed by the Council of Europe experts. The intention of the methodology is to help the Ukrainian civil society to enhance their existing media monitoring capacity on observing how Ukrainian media cover the upcoming Presidential elections in 2019. The methodology will provide CJE and other CSOs / professional media organisations that will cooperate with the Council of Europe prior to 2019 Presidential elections in Ukraine, with more effective tools for evaluating issues related to media coverage.

It is planned that a team of some eight to fifteen Ukrainian media monitors will:

- conduct quantitative and qualitative analysis of the media coverage three months prior to 2019 Presidential elections;
- issue three media monitoring reports to inform the public about the level of political diversity in Ukrainian media coverage of the elections.

In case of second round of Presidential elections in Ukraine, this period could be prolonged respectively and an additional report should be produced.

The Council of Europe is looking for a maximum of **three** Providers (provided enough tenders meet the criteria indicated below) in order to ensure the implementation of the project with the **provision of data collection and processing services**, namely, video data collection and processing services of Ukrainian national TV channels broadcasting on a daily basis as described below and listed in the Act of Engagement (See Section A – Terms of reference).

This Contract is currently estimated to cover 1 activity (media monitoring of 2019 Presidential elections in Ukraine) in part of video data collection and processing of Ukrainian national TV channels broadcasting to be held by the end of April 2019. 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 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.

Scope of the Framework Contract

Throughout the duration of the Framework Contract, pre-selected Providers may be asked to provide the deliverables listed in the Act of Engagement (See Section A – Terms of reference). This list is considered exhaustive. Particularly, pre-selected Providers may be asked to provide the following deliverables under the following conditions:

- Collected and processed data (from TV broadcasting) from 9 (nine) Ukrainian national TV channels **on a daily basis**;
- video data collection and processing to be made during the following time slot: 18:00-24:00 (6 hours per day, 7 days per week);
- period for provision of data collection and processing services: from 14 January 2019 till 21 April 2019 (tentatively);
- the collected and processed data should be available **by 9:00 the next day following the day when the collection is made**.

For information purposes only, the list of TV channels from which the data collection and processing will be performed may include UA:PBC, 1+1 channel, Inter, Ukraina, ICTV, STB, Pryamyi, 112, NewsOne; the Council of Europe reserves the right to replace any of the specified channels with another national TV channel as the need may arise.

The tenderers are requested to propose the most efficient way of transmitting the collected and processed data to the monitors on a daily basis.

C. 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 D below) the number of units ordered, calculated on the basis of the unit fees, as agreed by this Contract.

D. HOW WILL THIS FRAMEWORK CONTRACT WORK? (ORDERING PROCEDURE)

Once this consultation and the subsequent selection are 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).

Ranking

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 1 (one) working day after its reception. Orders will be addressed in priority to the first Provider on the ranking list of the tender. If this Provider is unable to take the Order or if no reply is given on his behalf within that deadline, the Council may call on the second Provider on the ranking list of the tender, and so on down the list.

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.

E. 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:

1. have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
2. 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;
3. have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
4. 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;
5. are or are likely to be in a situation of conflict of interests.

Eligibility criteria

- E1. A private entrepreneur duly registered in accordance with Ukrainian legislation, or a legal person duly registered in accordance with Ukrainian legislation, except consortia, having legal grounds to provide the respective services;
- E2. Relevant professional experience in the field of video data (TV broadcasting) collection and processing;
- E3. Relevant technical capabilities to perform simultaneous collection and processing of video data (TV broadcasting) from 9 Ukrainian national TV channels within the period of validity of this Contract;
- E4. Capacity to meet the required deadlines.

² It must strictly respect the fees indicated in the Act of Engagement. In case of non-compliance with these fees, the Council of Europe reserves the right to terminate the Contract with the Provider, in all or in part.

³ 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.

Award criteria

1. Quality of the offer (20%), including:
 - a. technical proposal (methods of undertaking the work, provision of collected and processed data; technical and human resources to provide the requested services in full);
2. Financial offer (80%).

Multiple tendering is not authorised.

F. DOCUMENTS TO BE PROVIDED:

- F1. A completed and signed copy of the **Act of Engagement**⁴ (See attached);
- F2. Registration documents (scanned copy of originals in Ukrainian);
- F3. Professional profile demonstrating clearly that a tenderer fulfils the eligibility criteria;
- F4. Technical proposal describing: a) the methods / procedure suggested for the collection and processing of data from national TV channels and transmitting the collected/processed data to the monitors; b) technical and human resources capacity to provide the requested services;
- F5. Copy of a bank statement containing bank account details of a tenderer.

All documents shall be submitted in English (save scanned copies of registration documents in Ukrainian); failure to do so will result in the exclusion of the tender.

If any of the documents listed above are missing, the tender will not be considered.

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 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.