



EUROPEAN COMMISSION

Directorate-General for Education and Culture

Culture and media

Culture policy, diversity and intercultural dialogue

Open Call for tender EAC/10/2012 Pilot project "Economy of cultural diversity"

**Contracting Authority: European Commission
Directorate-General for Education and
Culture**

Annex 1 - Terms of Reference

1. BACKGROUND INFORMATION

The European Parliament voted a budget line (15 04 10) in the 2012 budget for a "Pilot project on the economy of cultural diversity" which "would aim to create an open laboratory to test innovative approaches to deal with content for innovation and digital sharing and distribution. It would be therefore a way to explore new business models respecting diversity in the production and distribution chain".

As highlighted by the Communication of the Commission on a Digital Agenda for Europe¹, Europe needs to push ahead with the creation, production and distribution on all platforms of digital content.

As rightly pointed out in the Impact Assessment accompanying the Commission's proposal for a new Creative Europe Programme², the digital shift is indeed bringing about a change in paradigm, having a massive impact on how cultural goods are created, managed, disseminated, accessed, consumed and monetised, changing the value chains which prevailed in the analogue era.

Against this background, as also underlined by several contributions to the Commission's Green Paper on "Unlocking the potential of cultural and creative industries"³, this shift offers new possibilities for considerably extending audience reach, new ways of interacting with the public as well as educational benefits, provided that operators from these sectors develop strategies based on new business models that take advantage of the digital technologies.

The aim of the Pilot project is to highlight and promote between ten to fifteen ideas making an innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents. It should contribute to facilitate

¹ COM(2010) 245 final, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0245:FIN:EN:PDF>.

² SEC(2011) 1399 final, http://ec.europa.eu/culture/creative-europe/documents/impact_en.pdf

³ COM(2010) 183, http://ec.europa.eu/culture/our-policy-development/doc/GreenPaper_creative_industries_en.pdf

access to culture (including cultural heritage) and culture literacy via online devices and promote cultural diversity in the digital environment.

The Pilot project should also take into account and develop complementarities with:

- The preparatory action on the circulation of European audiovisual works to be implemented by DG EAC of the Commission in 2012⁴. This action aims at providing information on the degree of complementarity between the different platforms of distribution available to European films and testing the impact of a simultaneous or semi-simultaneous release on all available platforms of distribution and in several territories.
- The thematic network on new business models for publishing in the digital age that will be funded in 2012 by DG INFSO of the Commission under the ICT-PSP programme⁵. The aim of this initiative will be to establish a network of publishers and ICT solution providers to discuss, create and experiment with strategies for business models and revenue streams for publishing in the digital age. The activities should include roadmapping for developing, validating and promoting innovative business models and revenue streams in feasible scenarios.
- The measures of the CIP-ICT PSP work programme 2012 that promote innovative applications and services for creative re-use of cultural resources⁶.
- In addition, the measures of the ICT Research Programme (FP7), in particular those on ICT for Access to Cultural resources, including tools for virtual reconstructions⁷.
- The policy support grouping "Creativity: Innovative Models of Production and Access" supported in 2012-2013 under the Culture Programme (2011 budget)⁸. This project consists in systematizing and disseminating the knowledge regarding new models of creative production and access to cultural material in the new digital context via a series of events that are designed to share the insider-knowledge of each co-organiser.

⁴ Implementing budget line 15 04 66 03,

http://ec.europa.eu/culture/media/programme/overview/digitaldistrib/prepaction/index_en.htm

⁵ [WP ICT PSP 2012](#), p.19.

⁶ [WP ICT PSP 2012](#), p.15-16.

⁷ [ICT Work Programme 2011-12](#), p.98.

⁸ <http://in-progress.fcforum.net/en/creativity>.

2. CONTRACT OBJECTIVES AND EXPECTED RESULTS

2.1. Overall objective

The overall objective to which this Contract will contribute is to test innovative approaches to deal with cultural content for innovation and digital sharing and distribution and – in doing so – to contribute to the exploration of new business models respecting cultural diversity in the production and distribution chain.

2.2. Specific objective

The objective of this Contract is to highlight and promote between 10 to 15 ideas (for the meaning of "idea" in this context, see below under 3.2 point 1)) making an innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents.

2.3. Deliverables to be produced by the Contractor

- Deliverable 1: An effective support to the European Commission in the design, drafting and promotion of a call for ideas
- Deliverable 2: Design, development and maintenance of Webpages dedicated to the Pilot project
- Deliverable 3: An effective support to the European Commission in the setting up of sectoral high level panels for assessing the ideas received and in organising a panels' meeting in Brussels
- Deliverable 4: A ceremony in Brussels to give high visibility to the action
- Deliverable 5: Definition and implementation of promotion plans for each selected idea
- Deliverable 6: Organisation of a final seminar in Brussels
- Deliverable 7: A report assessing the impact of the promotion plans and highlighting the lessons to be learnt from the Pilot project, with conclusions and recommendations to the European Commission.

3. SCOPE OF THE WORK

3.1. General

3.1.1. Contract description

To implement the action, the European Commission will select one contractor in charge of the specific tasks described under 3.2.

3.1.2. Geographical area to be covered

The 27 Member States of the European Union, as well as Croatia as an acceding country.

3.1.3. *Target group*

A broad range of stakeholders in the cultural and creative sectors, policy makers at national, regional or local levels, relevant NGOs, EU institutions etc.

3.2. **Specific tasks**

In order to achieve the objectives, the Contractor will have to perform the following tasks:

- 1) a) Help the Commission in designing, drafting and promoting a call for ideas with the view to attract ideas as specified under 2.2. The word "idea" refers here to a concept which has not yet been tested or developed into a concrete project.

On the basis of a solid review and analysis of relevant existing practices, the Contractor will:

- advise the Commission on legal clauses, in particular regarding the legal protection of the ideas, to be included in the call;
- advise the Commission on clear and transparent selection criteria to be included in the call, with the view to ensure that the ideas to be selected are innovative, content-wise relevant, transferable to other settings and in adequacy with these Terms of reference;
- submit a draft call for ideas to the Commission.

The Commission will bear the entire responsibility for the final version of the call.

- b) Use the most appropriate means – including Webpages specifically dedicated to the project, social networks and other creative ICT means – to promote the call and ensure that it reaches its pertinent audience in the geographical area specified under 3.1.2.

Regarding the Webpages, they will be designed, developed and maintained by the Contractor

These Webpages will contain all the information about the Pilot project:

- As a general rule, the pages will be hosted on the Europa server under the "Culture" thematic website of DG EAC⁹. They will be created in Documentum (W3C standards) in line with the Information Providers guide for publishing on Europa¹⁰;

⁹ http://ec.europa.eu/culture/index_en.htm

¹⁰ <http://ec.europa.eu/ipg/>

See also http://ec.europa.eu/ipg/content/links/external_links/index_en.htm (for links on Europa pages pointing to external sites) and <http://publications.europa.eu/code> (for the interinstitutional style guide).

- These Europa Webpages will also point to pages created – on a temporary basis (i.e. during the duration of the project) – on the Contractor's own infrastructure, for example with the view to host the on-line template for the submission of the ideas, provide a platform for exchanging ideas etc.

These points and technical details will be further discussed and elaborated during a technical meeting that will be held by relevant staff of the Commission and the project team back to back with the kick-off meeting. Other technical meetings may prove necessary and must be budgeted.

- 2) Support the Commission in setting up sectoral high level panels that will assess the applications received in response to the call for ideas, and in organising a panels' meeting in Brussels.

The word "sectoral" refers here to the following cultural and creative sectors: 1) visual arts including museums, 2) cultural heritage including archives and libraries 3) publishing, 4) audiovisual (including film, television, video games and multimedia), 5) performing arts including music. A panel will be set up for each of these five categories.

The role of the Contractor will be to bring its technical expertise in suggesting names for the sectoral high level panels so that the Commission can make an informed choice regarding the panels' membership. Each panel will consist of at least three experts.

The role of the high level panels will be to bring their technical expertise in the assessment of the applications received on the basis of the criteria included in the call for ideas. The experts will also help the Commission to ensure that the ideas to be selected can find a potential application for stakeholders coming from various EU Member States.

The Contractor will be in charge of the logistical arrangements of the panels' meeting in Brussels and cover all associated costs (renting of relevant premises, travel costs and fees of the experts to be invited etc.), while the meeting will be chaired by a representative from the Commission.

The Commission will then select about ten to fifteen ideas corresponding to the profile above and covering the cultural and creative sectors in the different Member States, taking into account the panels' assessment.

- 3) Organise a ceremony in Brussels within the framework set by the Commission, giving high visibility to the action and to the ideas selected.

The ceremony will take place in Brussels and gather up to 100 participants from the various target groups mentioned under 3.1.3 as well as the press. The travel costs of the promoters of the selected ideas (1 person per selected idea) as well as all costs of the ceremony will be covered by the contract.

The Commission will discuss the technicalities of the ceremony with the Contractor as well as the list of people to be invited, and the Contractor will have to get the Commission's approval before making final arrangements.

- 4) Propose to the Commission a promotion plan for each of the selected ideas and implement these plans.

The promotion plans will contribute to help ideas promoters to refine and develop their ideas into solid technical and conceptual frameworks as well as pitch them among various stakeholders (cultural institutions, SMEs specialised in virtual reality, IT providers and potential investors) in various Member States.

The promotion plan consists in the Contractor lending assistance to all ideas promoters selected from a conceptual, technical, financial and legal point of view. This may also imply experts being invited to meet ideas promoters or idea promoters moving to see potentially interested stakeholders and/or attend relevant professional events in Europe (such as conferences, important professional gatherings or fairs) etc., in particular with the view to facilitate the reach out of the project to the different parts of the EU. It is estimated that idea promoters should each be given the opportunity to attend at least two events to pitch their ideas to relevant stakeholders. The costs incurred by this mobility will be covered by the contract.

- 5) Assess the impact of the implementation of the promotion plan on the projects selected and report back to the Commission (see below under 7).
- 6) Organise a final seminar presenting and discussing the outcomes of the project, within the framework set by the Commission.

The seminar will take place in Brussels and gather around 150-200 participants representing the various target groups mentioned under 3.1.3. The travel costs of the promoters of the selected ideas (1 person per selected idea) as well as all the costs of the seminar will be covered by the contract.

The Commission will discuss the technicalities of the seminar with the Contractor as well as the list of people to be invited, and the Contractor will have to get the Commission's approval before making final arrangements.

- 7) Submit to the Commission a report including at least:
- An executive summary of the entire action not exceeding 10 pages, as well as main conclusions and recommendations, suitable for presentation to the general public;
 - A presentation of the 10 to 15 ideas selected in a maximum of 50 pages;
 - An assessment of the impact of – and results achieved through – the implementation of the promotion plan on the ideas and – on this basis – an analysis of the potential of the ideas for future developments as well as their replicability in different settings (in a maximum of 50 pages);
 - The lessons to be learnt from the Pilot project, with conclusions and recommendations to the European Commission, in particular in view of funding projects in the field of innovative business models and

culture/media literacy under the future Creative Europe Programme¹¹ from 2014 onwards (in a maximum of 20 pages).

3.3. Contract management

3.3.1. Responsible body

The Directorate General for Education and Culture, Unit D1 "Culture policy, diversity and intercultural dialogue", is responsible for managing the contract.

4. PERSONNEL REQUIREMENTS

4.1. Overall requirements

The Tenderer remains free to propose any allocation of resources which they believe will best achieve the desired results.

4.2. Key experts

All experts who have a crucial role in implementing the Contract are referred to as key experts. The profiles of the key experts for this Contract are set out below. The Tenderer should prove that all the key experts will be available throughout the duration of the action to perform the tasks for which they are proposed and have committed to devote the necessary time to the tasks they will be assigned. The team proposed by the Tenderer must have all the skills and experience described below:

Key expert 1: Team Leader

Qualifications and skills

Excellent knowledge of the field to be covered by the action, namely innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents. Excellent team management, team coordination and project management skills. Organisational skills. Communication skills. Language skills.

Professional experience

A minimum of 10 year professional experience, which must include:

- an experience in the field of culture and innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents;
- a minimum of 5 year experience in coordinating and managing international projects.

Additional requirement

¹¹ http://ec.europa.eu/culture/creative-europe/index_en.htm.

Attested availability for the duration of the action and commitment to devote the necessary time to the assignment

All other Key experts:

Qualifications and skills

Excellent knowledge of the field to be covered by the action, namely innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents. Excellent knowledge of the various cultural and creative sectors to be covered by the action as specified under 3.2.2).

Event organisational expertise as well as communication expertise, in particular regarding the use of social networks for promotion purposes. ICT expertise, in particular for the design, editing, development and maintenance of Webpages. Project management skills. Communication skills. Organisational skills. Language skills. Sound drafting and editing skills.

Professional experience

Relevant professional experience covering the various cultural and creative sectors as specified under 3.2.2), as well as in innovative use of ICT based technologies to finance, produce, make available, disseminate and/or extract value from cultural contents.

Relevant experience in organising events, in the use of ICT tools for communication purposes and in Website design and running.

Additional requirement

Attested availability for the duration of the action and commitment to devote the necessary time to the assignment.

5. LOGISTICS AND TIMING

5.1. Location

It is anticipated that most of the work can be undertaken from the Contractor's own offices, but a certain amount of travel will be necessary for organising the ceremony and the final seminar in Brussels as well as for meetings with the Commission services. There will be at least four meetings with the Commission services in Brussels. Additional meetings may be convened at the request of the Commission's services if need be.

5.2. Facilities to be provided by the Contractor

The Contractor shall ensure that experts are adequately supported and equipped. In particular they shall ensure that there is sufficient administrative, secretarial, translation and interpreting provision as necessary, to enable experts to concentrate on their primary responsibilities.

5.3. Commencement date and Period of execution

Actual commencement will take place after entry into force of the Contract. The period of execution of the tasks will be 24 months.

5.4. Time Schedule

The indicative time schedule is as follows:

T0	Contract start
T0 + 2 weeks	Submission of draft inception report, including in particular the legal analysis of the issues regarding the protection of the ideas
T0 + 3 weeks	Kick-off meeting
T0 + 3 months	Review and analysis of relevant existing practices
T0 + 3 months	Submission of a draft call for ideas to the Commission
T0 + 4 months	Call approved by the Commission
T0 + 4,5 months	Launch of Webpages dedicated to the Pilot project and publication of the call for ideas through all relevant means
T0 + 6,5 months	Setting up of sectoral high level panels
T0 + 7,5 months	Meeting of the sectoral high level panels in Brussels
T0 + 8 months	Selection of the ideas by the Commission + starting of the development of promotion plans
T0 + 8,5 months	Ceremony in Brussels
T0 + 10 months	Approval of the promotion plans by the Commission and starting of the implementation of the plans
T0 + 10 months	Submission of draft first interim technical report, including in particular the description of the promotion plans
T0 + 10,5 months	First interim meeting
T0 + 18 months	Final seminar presenting the outcomes of the project
T0 + 18 months	Submission of draft second interim technical report, including in particular considerations as regards the assessment of the promotion plans and the potential of ideas for future developments
T0 + 18 months	Second interim meeting
T0 + 21 months	End of implementation of promotion plans
T0 + 23 months	Submission of draft report assessing the impact of the promotion plans, analysing the potential of the ideas for future developments and highlighting the lessons to be learnt from the Pilot project, with conclusions and recommendations to the European Commission
T0 + 23,5 months	Final meeting with the Commission
T0 + 26 months	Submission of the final technical report

6. REPORTS

6.1. Reporting requirements

Each report will be submitted in English to the responsible body (see section 3.3 above) in printed form (one copy) and by e-mail. Electronic files must be in Microsoft ® Word for Windows format.

The Commission will comment on the inception report within 10 calendar days of receiving it. It will comment on the interim and final technical reports within 45 calendar days. In the absence of observations from the Commission within the deadline, the report will be considered as being approved.

Within 20 calendar days of receiving the Commission's observations, the Contractor will submit the report in definitive form, taking full account of these observations, either by following them precisely, or by explaining clearly why they were not followed. Should the Commission still not consider the report acceptable, the Contractor will be invited to amend the report until the Commission is satisfied.

6.2. Inception report

The inception report must be drafted in English and submitted within three weeks of the date of the kick off meeting with the Commission.

The report must include at least:

- Detailed work plan and timetable for implementing the work;
- Preliminary inventory of relevant existing practises;
- Legal analysis of the issues regarding the protection of the ideas.

6.3. Interim technical reports

The two interim reports shall be submitted respectively at the end of month 10 and the end of month 18 after the entry into force of the contract. They shall include at least the following:

- Complete information on the activities carried out in pursuit of the results set out in point 2.3 of the terms of reference;
- Complete information on the progress achieved towards the results;
- Problems encountered, solutions found or proposed, and impact on future work;
- A detailed timetable and methodology for completion of the work.

The first interim report must also include the description of the promotion plans for each selected ideas.

The second interim report must also include considerations as regards the assessment of the impact of the promotion plans and the analysis of the potential of the ideas for future developments.

6.4. Final technical report

The final report shall be submitted within 26 months after the entry into force of the Contract.

The report must include at least:

- Comprehensive information on all the activities carried out in pursuit of the results set out in point 2.3 of the terms of reference;
- Problems encountered, solutions found and their impact on the outcomes achieved;
- The full final report assessing the impact of the promotion plans, analysing the potential of the ideas for future developments and highlighting the lessons to be learnt from the Pilot project, with conclusions and recommendations to the European Commission.

7. TENDER PRICE

The price must be quoted in Euros.

The price must be for a fixed amount and will be firm and final.

The maximum budget available for this contract is EUR 750,000.

The price must cover all tasks, including all travel and subsistence expenses foreseen by the Tenderer for the execution of the tasks. Such travel and subsistence costs will not be reimbursed separately, even if the costs prove to be different from the Contractor's initial estimate.

Tenderers must provide a full estimated breakdown of prices, by filling in the form in Annex 5, Price (estimated price breakdown). The purpose of this is to help the Contracting Authority to judge the realism of the offer. In the event that the Tenderer is awarded the Contract, only the total price will be binding.

The Tenderer must sign each page of the completed form in Annex 5, Price (estimated price breakdown). The signature of the tender commits the Tenderer vis-à-vis the Contracting Authority.

Prices must be quoted free of all duties, taxes and other charges, including VAT, as the European Union is exempt from such charges under Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities. The amount of VAT should be shown separately if the Tenderer believes that they are obliged to charge VAT. VAT will not be taken into account during the consideration of the prices of the different tenders.

The costs incurred in preparing and submitting tenders are borne by the Tenderers and cannot be reimbursed.

8. TERMS OF PAYMENT

See Art. I.4 of the draft Contract (Annex 2).

8.1. Guarantee for Pre-Financing

The Contracting Authority will require the Contractor to provide a guarantee to cover the full amount of the pre-financing:

- if this exceeds 50.000 €or
- where the Contracting Authority decides not to require proof of the financial, economic, technical and professional capacity of the tenderer (the candidate).

However, where the Contractor is a public body, the Authorising Officer responsible may, depending on their risk assessment, waive that obligation.

The guarantee shall be supplied by a bank or an authorised financial institution. It may be replaced by a joint and several guarantee by a third party. The guarantee shall be denominated in Euro. It shall have the effect of making the bank or financial institution or the third party stand as irrevocable collateral security, or first-call guarantor of the Contractor's obligations.

The guarantee shall be released when the pre-financing is cleared by the payment of the balance, in accordance with the terms of the Contract. The guarantee must remain valid until payment of the balance is made, and shall not be subject to any calendar expiry date.