



EUROPEAN COMMISSION
EDUCATION AND CULTURE DG
Culture, Audiovisual Policy and Sport
Audiovisual policy

Public service contract No DG EAC/58/02 to be awarded by open procedure and by call for tenders

TITLE: Study of external cooperation by the European Union and its Member States in the cultural and audiovisual sectors

1. INTRODUCTION - BACKGROUND INFORMATION

This call is made in the context of the review of the "Television without frontiers Directive" (Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC) (see http://europa.eu.int/comm/avpolicy/regul/regul_en.htm) on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

2. PURPOSE OF THE CONTRACT

2.1. Description of contract

Study and analysis of external cooperation programmes and/or activities by the European Union, its Member States and the other members of the EEA in the cultural and audiovisual sectors with a view to developing a Community strategy in this area.

The external cooperation programmes and/or activities concerned are those arising out of Community policy and of policies developed by the 15 EU Member States and by the three EFTA members party to the EEA Agreement. "External cooperation" means all of the bilateral or regional relations established between the EU and the EU/EEA Member States and third countries — namely countries which are not members of the EU or the EEA — and with regional or international organisations. Because of their specific status, the candidate countries are excluded from the geographical scope of external cooperation for the purposes of this study.

The audiovisual and cultural sectors cover in particular cinema, music, radio and television broadcasting, video games, multimedia, publishing, the arts, cultural institutes and heritage.

Article 151 (ex Article 128) of the Treaty establishing the European Community clarifies the European Communities' competence in the cultural sphere. Paragraph 3 of this Article stipulates: "The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe". Paragraph 4 goes on to stipulate that "The Community shall take cultural aspects into account under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures".

With a view to developing a Community strategy to complement activities by the Member States, the study aims to provide the Commission with an overview of all ongoing activities in this area.¹ In fact, cooperation with third countries in the cultural and audiovisual spheres comes under the scope of several Community policies, where either external relations and development policies include a cultural and/or audiovisual dimension, or certain internal policies such as culture, audiovisual and research have an external element. Moreover, this is part of the responsibilities of the Member States and in some cases of autonomous federal and regional bodies, particularly since this is an area of EU activity where the principle of subsidiarity applies. In some countries, there are also public, semi-public or private organisations responsible for developing external cooperation programmes or activities (for example, bodies which promote cinema abroad have different status depending on the countries.) Finally, the Delegations or Embassies in many third countries are directly responsible for initiatives.

The study will therefore aim in the first instance to take stock of existing structures and external cooperation programmes/activities in the cultural and audiovisual spheres spearheaded, firstly, by the European Community (including activities led by the European Commission Delegations) and, secondly, by the EU/EEA Member States (simply put, what is needed is an answer to the question "who does what and how?"). It will then look into the future to analyse the trends which could lead to the more in-depth development of a European strategy of cooperation with third countries in these areas, taking account of the wishes of the professional sectors involved.

More specifically, the study will have to be divided into three parts:

I. Analytical inventory of existing programmes/activities (at Community and Member State level). This inventory should provide details of a certain number of factual elements for each programme or activity, such as its legal basis, duration, budget, structure, the sector of activity of its target cultural or audiovisual areas and beneficiaries, its methods of management and implementation and its geographical scope. It should also examine the motivations and objectives, the specific theme on which it focuses and the types of cooperation activities it provides for.

II. Comparison of information and analysis of trends. The inventory of these programmes combined with the objectives and expectations of the key players in the target sectors should allow a certain number of general guidelines – on objectives, sectors, types of activities, themes, etc. – to be extracted from the information, and these will serve as a focal point for the programmes/activities. This section will thus aim to identify and

¹ Contractors' attention is drawn to another study launched by DG EAC and currently under way, namely the "Feasibility study for the creation and management of a support mechanism for the organisation of European Film Festivals in third countries".

classify these guidelines (the regional criterion, as well as the distinction between occasional event organisation and more structured cooperation, could be useful for this). This section could be supported by theories/normative studies into the relationship between cultural diversity and cultural and audiovisual globalisation. Particular attention will have to be paid to the emphasis placed on the cultural and audiovisual dimension within strategic programming documents for external cooperation. The analysis will also have to show the real correlations between expressed objectives and programmes implemented. For indicative purposes, the following criteria could be taken into account in the context of the analysis:

1. Cultural activity as an element of a wider diplomatic process, including image and communication policy.
2. Recognition and promotion of cultural diversity and intercultural dialogue through increased exchanges (including trade) between the EU/EEA or their Member States and third countries.
3. Creation or preservation of cultural wealth by supporting activities in third countries or by contributions by these countries to the EU/EEA.
4. Mixing of cultures and transcultural dialogue through the development of joint activities.

III. Forward-looking evaluation of the trends uncovered. A synthesis of parts I and II should allow a certain number of conclusions to be drawn on the guidelines to be taken into consideration when developing a European strategy of external cooperation in the cultural and audiovisual spheres and on the working methods to be given priority in the context of the Community policies involved. Particular attention should be paid to creating the best possible synergy between activities by the Member States and those of the EU on the one hand and between the various Community policies on the other hand. Where necessary, this evaluation could be accompanied by operational suggestions/recommendations.

2.2 Methodology

The methodology to be used by the contractor will be described in detail for each section of the study as set out above. Particular attention will be paid to identifying sources of information (which should include interviews with the key players from the target sectors) and to collecting, processing, analysing and presenting data and information for all of the geographical areas concerned. Methodological options concerning the geographical, material and temporal scope of the study should be equally balanced between the quantity of information gathered (necessary to identify trends) and the quality of the data gathering and analysis. A workplan should be proposed too.

2.3 Characteristics of the contracts

The contractor will be required to attend meetings in Brussels to:

- launch the study;
- present each of the reports.

With the exception of the necessary missions to collect and analyse the data, work will be carried out on the contractor's usual business premises. The studies should be completed within a period of six months. Subcontracting is allowed, provided that mention is made in the tender submitted and subject to Commission approval of the subcontractor.

3. REPORTS AND DOCUMENTS TO BE SUBMITTED

The Commission will require the contractor to submit an interim report three months after signing the contract. The final report, containing a detailed financial statement, will be submitted six months after signing.

All documents must be submitted in English or French with the exception of the detailed summary of the final report, which must be submitted in English, French and German. For interim reports, three paper copies and one copy in electronic format (Microsoft Word 97) must be provided. For the final report, ten paper copies and one electronic version in Microsoft Word 97 and in html format must be submitted.

Interim report

The interim report will include a detailed description of the methodology used. It will also contain the results of the analyses conducted so far and the schedule for the remaining work. It will be sent to the Commission within 15 days of the end of the period mentioned above.

Within 30 days of receiving the Commission's observations, the contractor will submit the definitive version of the interim report, either taking account of these observations or setting out different and fully supported arguments.

The interim report will be considered as being accepted by the Commission if, within a month after its receipt, the Commission has not explicitly made its observations to the contractor.

Final report

The final report will describe the work accomplished and the results obtained in the performance of the contract. A draft version of the final report must be submitted to the Commission within 30 days of the end of the six-month period. The Commission will then inform the contractor whether the report has been accepted or of any comments. Within 30 days of receiving the Commission's observations, the contractor will submit the definitive version of the final reports, either taking account of these observations or setting out different and fully supported arguments.

In the absence of any observations from the Commission within one month of the latter's receipt of the draft report, the contractor will be entitled to request written confirmation that the report has been accepted.

The final report will be considered as being accepted by the Commission if, within a month after its receipt, the Commission has not explicitly made its observations to the contractor.

It will also contain a detailed executive summary.

4. PAYMENT SCHEDULE

The payment arrangements are as follows:

- an initial payment of 30% of the total amount within 60 days of the signature of the contract by the two parties;
- 30% of the total amount after receipt and approval by the Commission of the interim report;
- payment of the balance within 60 days of the approval by the Commission of the final report.

Payments will be made into the contractor's bank account upon presentation of invoices.

5. IN DRAWING UP HIS/HER BID, THE TENDERER SHOULD BEAR IN MIND THE PROVISIONS OF THE STANDARD CONTRACT ATTACHED TO THIS INVITATION TO TENDER (ANNEX 1).

6. TENDERS MUST INCLUDE:

- all the information and documents required by the authorising department for the appraisal of tenders on the basis of the selection criteria described in point 9 and the award criteria described in point 10;
- a detailed description of the methodology to be applied by the contractor, in particular with regard to the collection, processing, analysis and presentation of data;
- the tenderer's bank details (account number, account holder, name, address and bank code of the branch, BIC/SWIFT code); Annex 5 ("Information relating to the tenderer") may be used;
- a declaration indicating the VAT liability and, as the case may be, either the VAT number or a certificate of exemption;
- the price, in accordance with point 7.

7. TENDERERS' ATTENTION IS DRAWN TO THE FOLLOWING POINTS RELATING TO THE PRICE:

- It is an all-in price covering all expenses including travel costs. The price should be within the limit of 230 000 €.
- Prices must be quoted in euro. Tenderers from countries outside the euro zone must use the conversion rates published in the Official Journal of the European Communities, C series, on the date of publication of the call for tenders;
- Prices must be quoted as a lump-sum in euro.
- Prices must be firm and not subject to revision.

- Prices should be quoted free of all duties, taxes and other charges, including VAT as the Communities are 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 is to be indicated separately. VAT will not be taken into account in the award of the contract.

8. TENDERS MUST BE DRAWN UP IN ONE OF THE OFFICIAL LANGUAGES OF THE EUROPEAN UNION AND MUST BE SUBMITTED IN TRIPLICATE.

9. SELECTION CRITERIA

Tenderers must not be in any of the exclusion situations referred to in Article 29 of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (Official Journal L 209 of 24 July 1992).

Tenderers must provide evidence of:

- a) their financial and economic ability to take on the tasks specified in this notice of contract. Such evidence may be provided in the form of one or more of the following documents:

- statements from banks;

- balance sheets or extracts therefrom;

- a statement of total turnover, or turnover relating to the provision of similar services, for the past three financial years.

If, for a justifiable reason, the tenderer is unable to produce the documents required by the adjudicating authority, it is authorised to prove its economic and financial capacity by any other document considered to be appropriate by the adjudicating authority. In the case where the contractor is an individual, s/he is obliged also to provide proof of his/her independent status. To this end, s/he should provide documentary evidence concerning his/her social security cover and VAT obligations, or proof of exemption from VAT, as appropriate.

- b) Their experience and work in the cultural and audiovisual sectors and/or in the field of cooperation between the EU, its Member States and third countries.
- c) Their capacity to put together a team taking effective responsibility for the study and capable of performing the work for all of the countries covered.

Each tenderer's dossier must also include:

- 1) the staff chart of the organisation and the CVs of the staff who will be responsible for the study and of any partners likely to be involved, giving details of their professional experience, their specific contributions to the evaluation and the qualifications and linguistic abilities of each partner;
- 2) a list of the principal services provided during the last three years, indicating the subject, the amount, the date and the recipient of the services provided (public or private);
- 3) the list of partners participating in the work across all the States concerned, where a single contractor represents a partnership in order to fulfil the conditions required by these specifications.

Tenders from consortia of firms or from groups of service providers must specify the role, qualifications and experience of each member of the group. The Commission will conclude a single contract with a single contractor (see point 2 above).

N.B.: Tenderers failing to meet any of these requirements will be excluded.

10. AWARD CRITERIA

The contract will be awarded to the economically most advantageous tender, on the basis of the following criteria:

- the relevance and quality of the methodology (80%);
- the workplan (20%);
- the price.

11. SUBMISSION OF A TENDER IMPLIES ACCEPTANCE OF THE TERMS SPECIFIED IN THE COMMISSION'S "GENERAL TERMS AND CONDITIONS" AND OF ALL THE PROVISIONS SET OUT IN THESE SPECIFICATIONS AND IN THE INVITATION TO TENDER AND, WHERE APPLICABLE, ADDITIONAL DOCUMENTS.

12. THIS CALL FOR TENDERS IS OPEN TO TENDERERS FROM THE MEMBER STATES OF THE EUROPEAN UNION, THE EUROPEAN ECONOMIC AREA AND THE SIGNATORY STATES TO THE GATT TREATY, IN ACCORDANCE WITH THE PRINCIPLE OF RECIPROCITY.

13. TENDERERS MUST KEEP THEIR BIDS OPEN, IN RESPECT OF ALL THE CONDITIONS THEREIN, FOR A PERIOD OF SIX MONTHS AFTER THE DEADLINE FOR THE SUBMISSION OF BIDS.

14. TENDERS MUST BE ACCOMPANIED BY A LETTER OF PRESENTATION, SIGNED BY THE TENDERER OR A PERSON DULY AUTHORISED BY HIM.

The signature of the tender commits the tenderer vis-à-vis the contracting authority. The tenderer must indicate clearly the organisation's identity: full legal name, abridged name (where applicable), acronym (where applicable), legal status (association, company, university or other), VAT number (where applicable), address and any other relevant information.

* Annex 5 "Information concerning the tenderer" may be used.

15. SUBMISSION OF BIDS

An interested party can submit a bid:

- a) either by registered letter, posted no later than 27/09/2002, date as postmark;
- b) or by personal delivery (by the tenderer or any person acting on behalf of the tenderer, including private courier services) to the:

European Commission
EAC DIRECTORATE-GENERAL
Unit C-1 "Audiovisual Policy"
Office 7/8
Rue Belliard 100
B-1040 Brussels

no later than 4 p.m. on 27/09/2002. In this case in order to establish proof of the date of deposit, the depositor will receive, from an official of the above-mentioned service, a receipt which will be signed and dated.

Tenders must be placed inside two sealed envelopes. The inner envelope, addressed to the above-mentioned Commission department, should also be marked: **“Appel d'offres n° DG EAC/58/02 - À ne pas ouvrir par le service du courrier”**. If self-sealing envelopes are used, they must be sealed with adhesive tape, across which the sender must place his signature.

16. THE COSTS OF DISPATCHING THE TENDER WILL BE BORNE BY THE TENDERER.

17. OPENING OF BIDS

An ad hoc committee will be set up to open the tenders and to check whether the procedures for the submission of tenders have been complied with. This committee will open the tenders on 27/09/2002 at 14.30 in DG EAC's meeting room No 7/8, rue Belliard 100, B-1040 Brussels.

A representative of each tenderer may attend the opening of the bids.

18. TENDERERS MAY NOT SUBMIT BIDS FOR ONLY PART OF THE SERVICES REQUIRED. VARIANTS ARE NOT ALLOWED.

19. SECURITY OR GUARANTEE

The Commission may ask the tenderer for a bank guarantee (or other form of bond) to cover the total value of the contract, including the reimbursable expenses envisaged, as a guarantee of the sound performance of the contract. The guarantee shall be paid back as and when payments are made by the Commission to the contractor. In the event of failure to perform the contract, delays in its performance or failure to meet the requisite quality standards, the Commission will take compensation for damages, interest and expenses to offset losses incurred, by deducting the relevant sums from the bond, irrespective of whether the bond is supplied directly by the contractor or by a third party.

20. PUBLICATIONS

Rights concerning the study and those relating to its reproduction and publication will remain the property of the European Commission. No document based, in whole or in part, upon the work undertaken in the context of this contract may be published except with the prior formal written approval of the European Commission.

21. TENDERERS WILL BE INFORMED WHETHER OR NOT THEIR BID HAS BEEN ACCEPTED.

ANNEXES:

- 1 CONTRACT**
- 1/I GENERAL CONDITIONS**
- 1/II REIMBURSEMENT OF EXPENSES**
- 2 FINANCIAL TABLES**
- 3 GENERAL TERMS AND CONDITIONS APPLICABLE TO CONTRACTS**

- 4 INDICATIVE SCALES OF TRAVEL AND SUBSISTENCE EXPENSES**

- 5 INFORMATION RELATING TO THE TENDERER**
- 6 ARTICLE 29 OF COUNCIL DIRECTIVE 92/50/EEC OF 18 JUNE 1992
RELATING TO THE COORDINATION OF PROCEDURES FOR THE AWARD
OF PUBLIC SERVICE CONTRACTS (OFFICIAL JOURNAL L 209 OF
24 JULY 1992)**

FINANCIAL TABLES

(all amounts must be expressed in EURO)

UNIT PRICE (All expenses included (except travel expenses for meetings at the Commission in Brussels))
in €

Comments:

TRAVEL AND SUBSISTENCE EXPENSES (IN EURO)

JOURNEYS TO MEET WITH EDUCATION AND CULTURE DG

No of persons	Nature of service*	No of journeys**	Mode of transport	Total duration	Total cost travel	Total cost subsistence***	Total EURO

*: specify level

**: round trips

***: hotels - per day (e.g. 2 nights in hotel at EUR 100 per night: 2x100).

**INDICATIVE AVERAGE SCALES FOR CALCULATING TRAVEL COSTS FOR MEETINGS
WITH DG EAC IN BRUSSELS**

(in EURO)

Place of origin	Means of transport	Travel expenses	Subsistence costs
BRUSSELS	-	-	-
ATHENS	Air*	1 114	149.63
BONN	Rail	98	149.63
COPENHAGEN	Air*	840	149.63
DUBLIN	Air*	650	149.63
HELSINKI	Air*	1 100	149.63
THE HAGUE	Rail	64	149.63
LISBON	Air*	1 112	149.63
LONDON	Air*	459	149.63
LUXEMBOURG	Rail	66	149.63
MADRID	Air*	1 122	149.63
PARIS	Rail	103	149.63
ROME	Air*	907	149.63
STOCKHOLM	Air*	1 052	149.63
VIENNA	Air*	1 060	149.63

* Tariff in the class immediately below first class (business class)

Information relating to the tenderer Annex 5

Identity of tenderer	
Business name (full legal name):	
Abridged name (where applicable):	Acronym (where applicable):
Legal status (association, commercial company, university, etc.):	
VAT number:	Legal registration number:
Registered office address	Street: No:
Postcode:	Town: Country:
Tenderer's bank details	
Name of bank:	
Street:	No:
Postcode:	Town: Country:
Sort code:	Account number:
BIC (SWIFT) Code :	
Tenderer's principal account holder (surname, forename):	
Title or position within the tendering organisation:	
Details of the invitation to tender	
Invitation to tender No: DG EAC/58/02	
Title:	
Lot No and title (where applicable):	
Total bid price (excluding VAT and designated in euros):	
Person who will sign the contract (statutory legal representative)	
Surname, forename:	Nationality:
Domicile:	
Acting in the capacity of:	Date and place of birth:
VAT number:	Social security scheme membership No:

Date:

.....

SIGNATURE:.....