

ANNEX A.1

OPEN CALL FOR TENDER

F-SE-12-T09

Photographic services

TECHNICAL SPECIFICATIONS

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1. Background information

The European Union Agency for Fundamental Rights (FRA) is an Agency of the European Union. It was established on 15 February 2007 on the basis of Council Regulation (EC) No 168/2007¹. The objective of the Agency, according to Article 2 of the Regulation, is to provide the relevant institutions, bodies, offices and the Community Agency concerned and the Member States with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.

In order to fulfil its objectives the FRA conducts research collecting relevant primary and secondary data and contextual information from EU Member States and analyse them comparatively in order to develop policy relevant reports addressed primarily to their main stakeholders, the EU institutions and EU Member States. These tasks are accomplished primarily through the work of expert staff. In addition, the FRA develops and co-ordinates research networks of experts and organisations across the EU based on contractual relations.

More information on the FRA and its activities can be found at its website: <http://fra.europa.eu>.

2. Objectives

The overall objective of the contract is to assist the FRA in illustrating and promoting the complex outcome of its work using printed materials, electronic means of communications, promotional, conference and awareness raising materials.

In this respect, the successful tenderer will be requested to provide the FRA with the services mentioned below.

3. Services requirements

The successful tenderer(s) will be asked to provide the following services:

- photographic services per hour, half day or entire day of presence taking photos for the FRA at any location in Vienna, and surroundings.
- name, optimise and process pictures onsite and provide FRA, at noon and before close of business the day of the event, with a selection of pictures for immediate use on its website.
- setting up of a temporary photo studio at the FRA premises including lighting equipment, backdrops and related services.
- searching and purchasing photos, illustrations, or artwork on different themes and specifications defined by FRA - from any available source; including providing FRA with the right to use on any support.
- Provision of a web-based password protected repository system for quick visualisation and access to pictures by FRA staff.

¹ COUNCIL REGULATION (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights

- Provision, for each service, of an archive DVD-ROM containing: for immediate use, a selection of optimised and processed pictures in high resolution (A4: 2480x3508; 300 dpi; 24bit colour depth) and low resolution (A6: 1240x1748; 300 dpi; 24bit colour depth); a web gallery system for quick view of all the pictures taken during that service and a folder containing RAW versions of all the pictures taken during that service.
- other services like: duplication of pictures on paper, provision of frames and related services.

These services could exceptionally be required during week-ends and evenings. For those exceptional services, the prices mentioned in the financial offer will apply. Some offers for specific services related to this tender should be sent using email and similar technology.

A. Photo taking services

During the implementation of the Framework Contract, the services of the contractor will be required in Vienna and surroundings.

B. Purchasing illustrations, photographs or artwork from third parties

Third-party material subject to royalties, copyright or licensing such as images and illustrations will be reimbursed to the contractor on an ad-hoc basis. Such costs will be calculated and invoiced separately from the picture search service. The picture search service will be reimbursed according to the provisions in the price offer form for the search of a specific amount of pictures and has to be performed at the contractor's premises.

The procedure contains two steps as described below:

- First step: Based on a first order form (OF) FRA will describe the amount of pictures/illustrations required and provide for each of them a description of what the picture could illustrate (E.G. Children at courthouse) and when possible a description of what the picture should not show (E.G. Children behind prison bars). The description will also contain information on the use made of the picture after purchase. (E.G. The picture will be used to illustrate one chapter of a FRA report, with a total print-run in 3 different languages of 20.000 copies and dissemination as PDF version on the FRA website.) The contractor is asked to provide the FRA for each of the pictures described in the OF a selection of up to 5 variations pictures/illustrations including the costs for purchasing them based on the requirements defined in the OF. Once FRA has chosen the appropriate pictures/illustrations, the contractor shall notify the FRA of the total costs (if any).
- Following the approval by FRA and signature of a second order form, the contractor shall acquire the pictures/illustrations and invoice the exact amount paid (including per picture a handling fee as mentioned in the financial offer) and attach the relevant proof of purchase to FRA.
- Royalties, copyright or any other licenses and the rights to use the picture as described in the specifications as well as the high resolution files will pass over to the FRA.

Exempt from this procedure are e.g. all pictures, artwork, illustrations developed or produced based on an order form or a specific contract with the FRA and images or collections already in possession of the contractor.

C. Copyright clause

For photo taking services the right to use the artwork, pictures or illustrations without any restrictions is to be passed over to the FRA. The right to be named as author remains with the photographer.

Compliance with copyright law, other intellectual property legislation and image right rules is of the utmost importance to the Contracting Authority.

The contractor takes all necessary steps to comply with such provisions, in particular to warrant that he is entitled to use all the materials embedded in the results, to grant to the Agency all the necessary rights as described in this call for tenders and to ensure that no third parties' rights are infringed when performing the contract.

The contractor shall transfer to the Contracting Authority all the rights on the results of the contract as from their creation. In case of rights existing prior to the contract being entered into, the contractor shall grant to the Contracting Authority a non-exclusive, worldwide licence valid for the whole duration of protection and allowing all the uses described or necessary for the Agency's activities. If not possible, the contractor shall immediately inform the Agency so that it can give its instructions prior to the commencement of the concerned work.

The contractor holds the Contracting Authority harmless and immediately assists and indemnifies it in case of any action raised by a third party against it due to the contractor having caused damage in the performance of the contract, especially in case the contractor did not hold or obtain the necessary rights and authorisations.

The obligations of the contractor with respect to copyrights, other intellectual property rights and image rights are laid down in Article 2.8 of the framework contract (see Annex B).

4. Profile

Tenderers must present in their Technical Offer relevant CVs for the following profile.

Profile	Minimum educational qualifications (to be proven by supplying the relevant CV in EUROPASS form)
Photographer	<ul style="list-style-type: none"> - Registration as a photographer - A minimum of 5 years' experience as photographer - Good knowledge of image manipulation software e.g. Photoshop for photo processing - Good knowledge of English (B2)

5. Project monitoring

The FRA will monitor the execution of the Framework Contract and Specific Contracts in technical and administrative terms. The Contractors should report immediately to the Agency in writing any problems encountered during the implementation of the Contract.

6. Communication

Communication between the FRA and the Contractor shall be possible by phone, fax, electronic, and surface mail.

Requests for offers shall be possible via e-mail.

The Contractor should make sure that during the performance of a service it can provide immediate assistance to the FRA when requests arise, and should ensure that there is a constant and coherent line of communication between FRA and the contractor.

7. Language

The working language of FRA is English. The English language shall be used throughout the project duration for all communication, reports and other documentation.