

Administrative Specifications for the Contracting of an RTA Assistant for the project “TR 16 IPA JH 03 18 Forensic Trainings Towards Advanced Examination Methods.”

1. BACKGROUND

FIIAPP F.S.P. is a foundation of the State public sector whose activities, characterised by the absence of profit and the pursuit of the general interest, is framed in the field of international cooperation aimed at the institutional modernisation, for the reform of Public Administrations and the attainment of democratic governance.

That, in order to its foundational purposes, the Foundation FIIAPP F.S.P. was awarded by the European Commission a Twinning Contract referenced TR 16 IPA JH 03 18 Forensic Trainings Towards Advanced Examination Methods.

The overall objective of the project is to improve the scientific and evidence basis of criminal investigations.

The project shall increase the efficiency of forensic sciences in investigations and judicial proceedings by improving and broadening the forensic examination/analysis capabilities and enhancing the institutional capacity of forensic institutions through the introduction and implementation of new methods and techniques in line with EU best practices.

The project was awarded for implementation to the Ministries of Justice and Home Affairs of Spain and FIIAPP and a Resident Twining Advisor will reside in Ankara during the 21 months of the project's implementation period.

2. OBJECT

FIIAPP F.S.P wished to contract a RTA Assistant (from hereon in, the ASSISTANT) to work in Ankara alongside the RTA during the project's implementation period.

3. CONTRACTING AUTHORITY

The contracting authority may be, in accordance with the contract of a maximum amount of no more than €100,000, is the Secretary-General of FIIAPP, F.S.P.

4. LEGAL SYSTEM AND COMPETENT JURISDICTION

This current contract has a private character and will be governed by (due to FIIAPP's legal nature as an international foundation and due to the contracts into which it enters in this capacity) the Title I of Book III of the Law 9/2017 of 8th November, on Public Sector Contracts by which the Directives 2014/23/UE and 2014/24/UE of the European Parliament and of the Council, of 26th of February of 2014, were transposed into national Spanish Law. In consequence of this Law and pursuant to articles 3.1. e) and 3.3. b) thereof, as a foundation of the public sector, it holds the status of contracting authority.,

Pursuant to Article 27.2 of the Law 9/2017, of 8th November, on Contracts of the Public Sector, by which is transposed to the Spanish juridical order the Directives of the European Parliament and of the Council 2014/23/UE and 2014/24/UE, of 26th of February of 2014, the civil courts shall have jurisdiction to resolve disputes arising between the parties regarding the effects, compliance and termination of private contracts.

The present Terms of Reference has a contractual nature and contains the detailed conditions to which the performance of the contract shall be adjusted.

The ignorance of the present contract, the contract, its annexed documents or instructions or rules of any kind approved by the Administration that can be applied in the implementation of the agreement shall not relieve the contractor from the obligation of compliance.

5. PROCEDURE AND FORM OF AWARD OF THE CONTRACT

For the award of these contracts, the FIIAPP F.S.P. will undertake an open simplified procedure.

6. PRESENTATION OF PROPOSALS

In order to participate in this tender, the bidder must submit, at the Registry of the FIIAPP F.S.P., located at C/Beatriz de Bobadilla 18-4º, Madrid, before 12:00 p.m. CET on 14 May 2019, the bid that they propose, in one sealed envelope. The envelope will be sent to Legal Advice and must indicate legibly on the outside,: the tender procedure and reference number for which the bid is being submitted, the signature of the proposing party, the name of the person, the full name and capacity of the person signing the proposal and the information of the contact person, all of which must be written legibly.

7. FORM AND CONTENT OF THE PROPOSAL

The proposal must contain the following documentation:

A. Identify document

B. Declaration responsible for having full capacity to act and not to be incurs in the prohibitions of hiring provided for in article 71 of the Law 9/2017, of 8th November, on Contracts of the Public Sector, by which is transposed to the Spanish juridical order the Directives of the European Parliament and of the Council 2014/23/UE and 2014/24/UE, of 26th of February of 2014, (**Appendix II**).

C. Tax Residency Certificate

D. CV of the interested party

E. Appendix I filled out and duly signed

FIIAPP F.S.P. will not accept any proposal where the received envelopes arrive manipulated (not closed, open, torn...).

All documents that may be submitted must be originals or certified photocopies.

If the documentation is notarial, it must comply with the requisites regarding authentication set forth in the Law and in Notarial Regulations.

For this tender process, documents stamped by the Foundation at the Registry may also be validated as true copies of originals.

8. CERTIFICATION AND QUALIFICATION OF DOCUMENTS

Once the envelopes have been received by the Secretary of the Contract Award Committee, the Contract Award Committee will meet to preliminarily qualify the documents submitted.

If the committee observes defects or omissions in the submitted documentation that can be corrected, it will inform the interested parties verbally and in writing, thereby granting a period of no more than three business days so that tenderers can correct or amend such defects or omissions, thereby cautioning them that

the tenderer will be definitively excluded if they do not proceed to correct the documentation within the granted period.

In this event, the interested parties that are required to correct defects must send in the requested documentation by presenting it, without exception, at the Registry.

Subsequently, the Contract Award Committee will meet again to adopt the appropriate resolution about definitive admission of the tenderers in view of the received corrections.

9. CONTRACT AWARD COMMITTEE.

The composition of the Contract Award Committee will be the following:

| | |
|--------------|---|
| Chairperson: | Economic Management, Ms. Gemma Cosido |
| Members: | Legal Officer Advisor, Ms. Sonsoles De Toledo |
| | Project Manager: Ms. Irene Cara |
| | Economic Manager of the Project, Ms. Cristina de Matías |
| Secretary: | Head of Department: Ms. Ana Hernández |

10. RESPONSIBLE OF THE CONTRACT

The contracting authority designates Ms. Ana Hernández responsible for the contract to be supervised by its execution and to take the decisions and dictate the necessary instructions in order to ensure the proper performance of the agreed benefit, within the scope of faculties that those attributed.

11. CAPACITY TO CONTRACT

They shall be eligible for the award of this contract all natural persons, with Spanish or foreign nationality, who have the full capacity to act and who are not falling in the prohibitions to hire listed in paragraph 1 of article 71 of the LCSP. For this purpose, shall take into consideration the rules contained in chapter II of title II of book I of the LCSP.

12.BUDGET LINE

The budget line for this contest is 42.000 euros (Forty-two thousand Euros), not including VAT, paid in instalments of 2.000 euros (Two thousand Euros) once a month over the course of the Project implementation period.

13.DESCRPTION OF THE SERVICES TO BE DEVELOPED

1. Assist the Resident Twinning Adviser's office in its administrative mission
2. Prepare and follow organization of the mission of Member State experts, organize travel and accommodation, provide them with support during their mission
3. Support the RTA's in his duties and meetings, take minutes of meeting, and more generally ensure all administrative tasks required by the management of the Twinning Project at the RTA's Office.
4. Ensure the follow up of all data for the Quality Management System at the RTA's Office

14.CRITERIA FOR THE EVALUATION

1.Requierements (please complete Appendix I)

1. University degree
2. Professional fluency in oral and written in English and Turkish.
3. Experience in international projects
4. Very good computer skills (MS Office, Word, Excel, Internet)
5. Very good communication skills

Applicants are neither a civil servant nor on leave from Turkish administration for the last 6 months to take up the position of Assistant.

2. Merits (please complete Appendix I)

1. Experience in Twinning projects.
2. Experience preparing administrative and technical reports and various working papers for EU funded projects to a professional standard.
3. Fluency in oral and written Spanish.

| MERITS | | 100 |
|---|---------------------------------------|----------------------|
| Criteria | Evaluation Method | Maximum Score |
| Experience in Twinning projects | 2 point per month of actions related | 50 |
| Experience preparing administrative and technical reports and various working papers for EU funded projects to a professional standard. | 1 point per month of actions related | 25 |
| Fluency in oral and written Spanish. | 2 points per month of actions related | 25 |
| MAX SCORE | | 100 |

15.REGULATORY PROCEDURES

The contract shall be governed by:

- The clauses contained in this specification.
- The Provisions of law 50/2002 of the Foundations and in the 1337-2005 RD of November 11st.
- The Provisions set forth in the Law 9/2017, of 8th November, on Contracts of the Public Sector, by which is transposed to the Spanish juridical order the Directives of the European Parliament and of the Council 2014/23/UE and 2014/24/UE, of 26th of February of 2014.

The ignorance of the contract in any of its terms, of the documents annexed to it, or instructions, specifications or standards of any kind dictated by the FIIAPP

F.S.P. which may have application in the execution of the agreement, shall not relieve the employer from the obligation of compliance.

16.DURATION OF THE CONTRACT

The contract will have a time of duration from its signature until the 13th January 2021.

17.PROPERTY OF THE WORK DEVELOPED

The work carried out in any of sections will become the property of FIIAPP F.S.P.

The successful tenderer may not use for themselves or provide to third parties any data of the contracted works, or publish, total or partially the contents without the written permission of the FIIAPP F.S.P. In any case the successful tenderer will be responsible for damages arising from the breach of this obligation.

18.RESOLUTION OF THE CONTRACT

The causes for termination of the contract are contained in article 211 of the Law 9/2017, of 8th November, on Contracts of the Public Sector, by which is transposed to the Spanish juridical order the Directives of the European Parliament and of the Council 2014/23/UE and 2014/24/UE, of 26th of February of 2014.

- a) Non-compliance by any of the parties of the obligations described in the contract.
- b) The manifest lack of quality of the service provided or not adapt it to the conditions agreed in binding documents
- c) The Declaration of insolvency in the terms that describes by the law 22/2003, of July 9th, bankruptcy.
- d) Mutual agreement of the parties.
- e) Breach of the limitations in the field of outsourcing.
- f) Obstruction of the faculties of management and inspection of FIIAPP F.S.P.

19.REGIME OF PAYMENT

The successful bidder is entitled to the payment of the agreed price, under the conditions laid down in the contract, corresponding to the work actually performed and formally received by the Foundation.

21. AWARD TERM AND FORMALIZATION

The contract will be awarded within a period of 7 working days from the receipt of applications.

The document of formalization of the contract shall be granted within a period of 7 working days from the award resolution.

22. START OF THE ACTIVITY

The official starting date will be the following day to the contract formalization.

23. OPENING OF THE PROPOSALS

The envelope with the proposal will be opened by the Contract Award Committee in a public session on 16th May at 12:30 pm at the headquarters of FIIAPP F.S.P.

APPENDIX I: Requirements and Merits

Requirements

| Requirements | | |
|---|---------------|--------------------|
| <i>Requirements</i> | <i>YES/No</i> | <i>Description</i> |
| University degree | | |
| Professional fluency in oral and written in English and Turkish | | |
| Experience in international projects | | |
| Very good computer skills (MS Office, Word, Excel, Internet) | | |
| Very good communication skills | | |

Merits

| Merits | | | | |
|--|---------------------------------------|--------------------|------------------|--------------|
| <i>Merit</i> | <i>Criteria</i> | <i>Description</i> | <i>Max score</i> | <i>Score</i> |
| Experience in Twinning projects | 2 point per month of actions related | | | |
| Experience preparing administrative and technical reports and various working papers for EU funded projects to a professional standard | 1 point per month of actions related | | | |
| Fluency in oral and written Spanish | 2 points per month of actions related | | | |

(Place, date and signature of the tenderer)
 Signed

APPENDIX II**STATEMENT OF COMPLIANCE**

Mr/Ms, holder of D.N.I., acting in representation of, holder of C.I.F. and with its registered address at, in their capacity as and interested in the contract award procedure called by the International and Ibero-American Foundation for Administration and Public Policies,

Hereby makes this **STATEMENT OF COMPLIANCE**, for the purpose of the provisions set forth in Article 140.1 c) of the Law 9/2017, of 8th November, on Contracts of the Public Sector, by which is transposed to the Spanish juridical order the Directives of the European Parliament and of the Council 2014/23/UE and 2014/24/UE, of 26th of February of 2014.

- My client is not subject to any cause of prohibition to enter into contracts with the public sector in accordance with the provisions set forth in Article 71.1 of the LCSP.
- I am current in compliance with all tax and social security obligations imposed by provisions in force, without prejudice to undertaking to provide proof of such requisite before formally executing the contract, in accordance with the General Specifications according to which contracting is governed, if my client is awarded.

In....., on.....[day].....[month] [year].

(Place, date and signature of the tenderer)

Signed: