

## **ADMINISTRATIVE SPECIFICATIONS FOR CONTRACTING EXPERT IN CRIMINAL INVESTIGATION OF MIGRANTS SMUGGLERS**

EUROPEAN UNION PROJECT IN NIGERIA “ACTION AGAINST TRAFFICKING IN PERSONS  
AND SMUGGLING OF MIGRANTS IN NIGERIA (A-TIPSOM)”

### **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. has been awarded the Delegation Agreement “Action against trafficking in persons and smuggling of migrants in Nigeria (A-TIPSOM)” funded by the European Union.

### **2. OBJECT**

It is the object of this invitation to hire the services of one expert in identification, prevention and persecution of migrant smugglers. The objective of this expertise is to train A-TIPSOM Stakeholders to improve their knowledge about smuggling of migrants in order to decrease the number of persons victims of smuggling.

### **3. CONTRACTING AUTHORITY**

The contracting authority may be, in accordance with the bidding budget, for contracts of individualized amount of up to €100,000, the Secretary-General of the FIIAPP, F.S.P.

### **4. LEGAL SYSTEM AND COMPETENT JURISDICTION**

This current contract has a private character, the civil court order being competent to hear disputes arising in its implementation.

Nevertheless, this contract will be governed by the Title I of Book III of the Law 9/2017, of 8th November, on Contracts of the Public Sector (LCSP), 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, as an international foundation, due to its legal nature and due to the contracts that it enters into. Likewise, for the purposes 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. This court order shall also have jurisdiction to hear any disputes affecting the preparation and awarding 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. on 4th of June 2019, the bid that they propose, in one sealed envelope. The envelope will be sent to Legal Advice and must indicate, 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. Valid National Identity Card, Passport**

### **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 or Clearance Certificate in the Country of Duty**

**D. CV of the interested party, including the tables of Appendix 1**

**All documents to be submitted should be originals or certified True 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, photocopies stamped by the FIIAPP Foundation at the Registry may also be validated as true copies of originals.**

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

## **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 previously qualify the documents submitted in the proper time and manner.

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:

Chairman:

Economic Management: Gemma Cosido

**Members:**

1. Legal officer advisor. Sonsoles de Toledo
2. Finance Project officer: Carolina Morales
3. Project officer: Patricia Mate

**Secretary:**

Direction of Justice and Security: Mariano Guillen-Oquendo

## **10. RESPONSIBLE OF THE CONTRACT**

The contracting authority designates Gema Villegas as 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 27.500 € (twenty-seven thousand Euros) as fees, not including VAT, at a rate of € 275 (two hundred seventy-five euros) per working day with a maximum of 100 working days during the project implementation period.

The number of estimated working days **is considered as a maximum**, not being FIIAPP F.S.P obliged to contract that maximum amount, which will depend on actual project needs and the consultant's performance.

Each payment shall be made in Euros, attaching a timesheet indicating working days performed and approved by the Team Leader.

### **13. DESCRIPTION OF THE SERVICES TO BE DEVELOPED.**

The services to be developed will consist in delivering trainings and workshops as a capacity building in identification, prevention and prosecution of smugglers of migrants. This capacity building initiative will be aimed at Ministries, Departments and Agencies, Law Enforcement and Administration and Civil Society Organizations in Nigeria in order to increase their knowledge about smuggling of migrants.

In consultation with the FIIAPP/A-TIPSOM Team Leader, the expert will train a number of working groups of key project partners and relevant MDAs in Nigeria.

Each assignment request will include estimated number of working days, deliverables and expected results, as well as budget allocated and payment calendar and conditions, which should be previously agreed upon. The expert should present a report after each assignment for payment, as previously agreed, detailing findings and recommendations, as well as the outputs, outcomes and results.

#### **a. Requirements**

- University graduate degree in psychology, sociology, social work, criminology or related studies.
- At least 5 years of proven experience in the design and delivery of technical assistance and/or education of smuggling of migrants or migration issues.
- At least 3 years of relevant professional experience in crime prevention and criminal justice at national and international levels
- Excellent command of both oral and written English
- Excellent command of both oral and written at least in one of the following languages: fula, igbo, yoruba or hausa.

#### **b. Merits**

- Action deployed in the development of policies and standard setting tools, and/ or in legal analysis, preferably related to transnational organized crime and smuggling of migrants
- Actions deployed at international level.
- Actions deployed in NGO: awareness activities at community level about prevention of smuggling of migrants.
- Articles published about smuggling of migrants in West Africa

## 14. CRITERIA FOR THE EVALUATION

The evaluation of the proposals will be made according to the table below:

<b>MERITS</b>		<b>100</b>
<b>Evaluation Method</b>		<b>Maximum Score</b>
5 points per action deployed in development of policies in legal analysis standard setting tools, and/ or in legal analysis, preferably related to transnational organized crime and smuggling of migrants		<b>25</b>
1 point per month deployed in NGO: awareness activities at community level about prevention of smuggling of migrants.		<b>25</b>
5 points per article published about smuggling of migrants in West Africa		<b>25</b>
1 point per month deployed at international level		<b>25</b>

## 12. 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.

## 13. DURATION OF THE CONTRACT

The contract will have a time of duration from its signature until the end of the project implementation (4 June 2022) with possible extensions.

#### **14.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.

#### **15.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 9<sup>th</sup>, 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.

#### **16.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 15 working days from the receipt of applications.

The document of formalization of the contract shall be granted within a period of 15 working days from the award.

#### **22.START OF THE ACTIVITY**

The official starting date will be stated in the formalised contract.

### **23. OPENING OF THE PROPOSALS**

The envelope with the proposal will be opened by the Contract Award Committee in a public session on 5<sup>th</sup> of June 2019 at 12:30 the at the headquarters of FIIAPP F.S.P.

## APPENDIX I: Requirements and Merits

### Requirements

Requirements	Yes/No	Description
University graduate degree in psychology, sociology, social work, criminology or related studies		
At least 5 years of proven experience in the design and delivery of technical assistance and/or education of smuggling of migrants or migration issues.		
At least 3 years of relevant professional experience in crime prevention and criminal justice at national and international levels		
Excellent command of both oral and written English		
Excellent command of both oral and written at least in one of the following languages: fula, igbo, yoruba or hausa.		

### Merits

MERITS. Technical aspects				
Merit	Criteria	Description	Max score	Score
Action deployed in the development of policies and standard setting tools, and/ or in legal analysis, preferably related to transnational organized crime and smuggling of migrants	5 points per action deployed in development of policies in legal analysis		25	
Actions deployed at international level.	1 point per month deployed at international level		25	
Action deployed in NGO: awareness activities at community level about prevention of smuggling of migrants.	1 point per month deployed in NGO		25	
Articles published about smuggling of migrants in West Africa	5 points per article published about smuggling of migrants in West Africa		25	

## APPENDIX II

### STATEMENT OF COMPLIANCE

Mr/Ms ....., holder of Identity Number....., acting in representation of ....., holder of TIN. .... 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: