

**Administrative Specifications for the Contracting of an Resident Twinning Advisor
Assistant for the Project 'Improvement of the Efficiency of Pre-Service Trainings for
Candidate Judges and Prosecutors'
TR 15 IPA JH 10 19**

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.

In accordance to its foundational purposes, the Foundation FIIAPP F.S.P. was awarded by the European Commission a Twinning Contract referenced TR 15 IPA JH 10 19, for the 'Improvement of the Efficiency of Pre-service trainings for Candidate Judges and Prosecutors' (the project).

The overall objective of the project is to improve the efficiency of the training and internship of candidate judges and prosecutors in Turkey, line with the European standards with a view of enhancing the independence, quality, effectiveness and efficiency of the judiciary.

The project shall establish the pre-service training and internship model for candidate judges and prosecutors in line with the European standards in order to ensure objective, impartial and competent performance after they take up their duties.

The project was awarded for implementation to the Spanish General Judiciary Council and the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP F.S.P.) and one Resident Twinning Advisor (RTA) will reside in Ankara during the 24 months of the Project's implementation period, starting on the 31st May 2019

2. OBJECT

FIIAPP F.S.P. wishes to contract one Resident Twinning Advisor Assistant (from hereon in, the RTA 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 bidding budget, for contracts of individualized amount no more than €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. (Madrid time) on the **27th of June of 2019**, the bid that they propose, in one sealed envelope. The envelope will be sent to Legal Advice and must indicate,

on the outside of each one, 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. Identity 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. This document will be required to the successful bidder

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...).

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:

Chairperson: Economic Officer, Ms. Beatriz Lara

Members:

1. Legal Officer Advisor, Ms. Sonsoles de Toledo Blanco
2. Economic manager, Ms. Emilia Valverde Ramírez
3. Project Officer, Mr. Miguel Juste Hernández

Secretary: Head of Department, Ms. Ana Hernández Gil

10. RESPONSIBLE OF THE CONTRACT

The contracting authority designates Ms. Gema Villegas López 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 60.000 € (sixty thousand euros, with no taxes included), paid in instalments of 2.000 € (two thousand euros) once a month over the course of the Project implementation period

13. DESCRIPTION OF THE SERVICES TO BE DEVELOPED.

- Directly report to the RTA in daily duties
- Provide assistance for communication between the RTA, the Turkish Ministry of Justice and other relevant institutions
- Interpretation from English/Spanish to Turkish and vice versa, at

meetings and when required by the RTA and other figures involved in the project

- Translation from Spanish or English to Turkish and vice versa of documents, regulations, training materials, information materials and other written materials required by the project
- Drafting of written materials with relation to the project in Turkish and English
- Support the Short-Term Experts of the project on their needs for the proper implementation of their duties
- General office management

14.CRITERIA FOR THE EVALUATION

REQUIREMENTS:

QUALIFICATIONS DEMANDED (MINIMUM REQUIREMENTS)	
	<ul style="list-style-type: none"> • University degree in Law, Political Science, Languages or other related fields
	<ul style="list-style-type: none"> • Excellent command of English and Turkish
	<ul style="list-style-type: none"> • Excellent drafting skills in English and in Turkish and ability to elaborate documents
	<ul style="list-style-type: none"> • Ability to work in an international environment
	<ul style="list-style-type: none"> • Good communication skills
	<ul style="list-style-type: none"> • Proficient computer skills, including Microsoft Office applications
	<ul style="list-style-type: none"> • Strong administrative and organizing skills, ability to work with minimal direction/supervision
	<ul style="list-style-type: none"> • Ability in the preparation of administrative and technical reports and various working papers for the project activities
	<ul style="list-style-type: none"> • Capacity to provide efficient organisational and logistic support related to training, study tours and visits to the EU Member States

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

MERITS		100
Criteria	Evaluation Method	Maximum Score
Knowledge of Spanish	Certification: - B2 level: 2,5 points - C1 level: 5 points	10
Previous actions working in offices and representations of third countries (Embassies, EU delegations, etc.)	2 points for each year of action in international technical assistance projects, environments and/or organisations	20
Previous actions working on twinning projects or other EU funded projects	2 points per month of actions related	20
Previous actions preparing administrative and technical reports and various working papers to a professional standard	4 points per year of actions related	30
Knowledge of electronic information exchange	2 points for each year of actions in electronic information exchange	20

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 end of the Project implementation period, initially expected to be the 30th may 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.

20. 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 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 on the 28th of June at 12:30 at the headquarters of FIIAPP F.S.P.

APPENDIX I: Requirements and Merits

Requirements

Requirements			
Criteria	Requirements	YES/No	Description
	University degree in Law, Political Science, Languages or other related fields		
	Excellent command of English and Turkish		
	Excellent drafting skills in English and in Turkish and ability to elaborate documents		
	Ability to work in an international environment		
	Good communication skills		
	Proficient computer skills, including Microsoft Office applications		
	Strong administrative and organizing skills, ability to work with minimal direction/supervision		
	Ability in the preparation of administrative and technical reports and various working papers for the project activities		
	Capacity to provide efficient organisational and logistic support related to training, study tours and visits to the EU Member States		

Merits

MERITS.				
<i>Merit</i>	<i>Criteria</i>	<i>Description</i>	<i>Max score</i>	<i>Score</i>
Knowledge of Spanish	Certification: - B2 level: 2,5 points - C1 level: 5 points		10	
Previous actions working in offices and representations of third countries (Embassies, EU delegations, etc.)	2 points for each year of action in international technical assistance projects, environments and/or organisations		20	
Previous actions working on twinning projects or other EU funded projects	2 points per month of actions related		20	
Previous actions preparing administrative and technical reports and various working papers to a professional standard	4 points per year of actions related		30	
Knowledge of electronic information exchange	2 points for each year of actions in electronic information exchange		20	

(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: