

**Administrative Specifications for the Contracting of an RTA
Language Assistant for the Project “Further strengthening the
Competition Authority’s capacities to protect the free and
effective competition in the market”
AL 15 IPA FI 02 18**

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 line with its foundational purposes, the Foundation FIIAPP F.S.P., was awarded by the European Commission a Twinning Contract referenced AL 15 IPA FI 02 18 for the Provision of “Further strengthening the Competition Authority’s capacities to protect the free and effective competition in the market” (the Project).

The Twinning Project for Albania seeks the overall objective of providing support and contributing in strengthening the administrative and institutional capacities of the ACA.

More precisely, the specific objective of this project is to provide support to ACA in order to ensure its mission to protect the free and effective competition in the market based on legal framework in force and *Union Acquis*.

The Project was awarded for implementation to the Commission on Markets and Competition (CNMC) 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 Tirana during the 24 months of the Project’s implementation period, starting on 15th July 2019.

2. OBJECT

FIIAPP F.S.P. wishes to contract one RTA Language Assistant (from hereon in, the LANGUAGE ASSISTANT) to work in Tirana alongside the RTA during the Project’s implementation period.

The LANGUAGE ASSISTANT will be contracted by FIIAPP F.S.P.

3. CONTRACTING AUTHORITY

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

4. LEGAL SYSTEM AND COMPETENT JURISDICTION

This current contract is private in character and will be governed by (due to FIIAPP F.S.P.'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) therein, as a public-sector foundation, FIIAPP F.S.P. holds the status of contracting authority.

Pursuant to Article 27.2 of the Law 9/2017, of 8th November, on Public Sector Contracts, 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 final contract shall be adjusted.

The ignorance of the present Administrative Specifications, the contract, their annexed documents or instructions or rules of any kind approved by FIIAPP F.S.P. and the Spanish Public 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 summary 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 18-4^o, Madrid, before 12:00 pm C.E.T. on 12th July 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 following:

- the name of the tender procedure and reference number for which the bid is being submitted,
- the signature of the bidder,
- the full name and capacity of the bidder
- the contact details of the bidder

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, (**Annex 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 properly 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 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. Olga Valido
Members:	Legal Officer Advisor, Ms. Beatriz Moreno Pascual Project Officer, Ms. Angela Garcia-Monge Piedra Economic Manager of the Project, Ms. Raquel del Pozo
Secretary:	Head of Department, Ms. Sonsoles Mories Álvaro

10. RESPONSIBLE OF THE CONTRACT

The contracting authority designates Alejandro Bueno de la Fuente 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

Natural persons, with Spanish or foreign nationality, who have the full capacity to act and who do not fall under any of the conditions in the list "Prohibited to Hire" in paragraph 1 of article 71 of the Spanish Law on Public Sector Contracts, shall be eligible for the award of this contract. For this purpose, the rules contained in chapter II of title II of book I of the Spanish Law on Public Sector Contracts shall be taken into consideration.

12. BUDGET LINE

The fee for this contract will be a maximum amount of 14.400,00€ (fourteen thousand four hundred Euro), not including VAT, paid in instalments of 1.200,00€ (one thousand two hundred Euro) once a month over the course of the Project implementation period.

13. DESCRIPTION OF THE SERVICES TO BE DEVELOPED.

- Support the Member State Resident Twinning Adviser (RTA) and RTA's Assistant in their daily work and institutional tasks;
- Interpretation skills/interpreting from English to Albanian and Spanish to Albanian and vice versa, at meetings and other oral conversations;

- Translation of documents, regulations, training materials, information materials and other written materials from Spanish to English and English to Albanian and vice versa;
- Drafting of written materials with relation to the project in Albanian and English.

14. CRITERIA FOR THE EVALUATION

a. Requirements (Please complete [Annex I](#))

- Degree in Economics, Commercial Studies, Accounting and or Legal areas;
- Professional fluency in oral and written English, Spanish and Albanian. High level in Albanian (C2), English and Spanish (C1).
- Excellent communication skills;
- Proficient computer skills, including Microsoft Office applications;
- Good capability to manage multi-cultural environment.

b. Merits (Please complete [Annex I](#))

- Actions as translator and / or simultaneous interpreter (Spanish-Albanian and vice versa).
- Actions as translator in administrative and / or judicial procedures, translating official documents.
- Actions in event organization and marketing
- International actions will be an asset.

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

Merits	Scale	Max. Score
Actions as translator and / or simultaneous interpreter (Spanish-Albanian and vice versa).	1 points per month of actions related	30
Actions as translator in administrative and / or judicial procedures, translating official documents.	2 points per month of actions related	40
Actions in event organization and marketing	5 points per year of actions related	15
International actions will be an asset.	3 points per year of actions related	15
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

From the signature of the contract until the end of the Project implementation period, 14th July 2020.

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:

- 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 fees, corresponding to the work performed.

20.AWARD TERM AND FORMALIZATION

The contract will be awarded within a period of maximum 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 in a non-public session on 12th July 2019 at 13:00 pm C.E.T. at the headquarters of FIIAPP F.S.P.

ANNEX I: Requirements and Merits

Requirements

<i>Requirements</i>	<i>YES/NO</i>	<i>Description</i>
Degree in Economics, Commercial Studies, Accounting and or Legal areas;		
Professional fluency in oral and written English, Spanish and Albanian. High level in Albanian (C2), English and Spanish (C1).		
Excellent communication skills;		
Proficient computer skills, including Microsoft Office applications;		
Good capability to manage multi-cultural environment.		

Merits

<i>Merit</i>	<i>Criteria</i>	<i>Description</i>	<i>Max score</i>	<i>Score</i>
Actions as translator and / or simultaneous interpreter (Spanish-Albanian and vice versa).	1 points per month of actions related		30	
Actions as translator in administrative and / or judicial procedures, translating official documents.	2 points per month of actions related		40	
Actions in event organization and marketing	5 points per year of actions related		15	
International actions will be an asset.	3 points per year of actions related		15	

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

[Place, date and signature of the tenderer]

Signed:

ANNEX II

STATEMENT OF COMPLIANCE

Mr/Ms, holder of I.D. Number, acting in representation of, holder of Tax Payer Number. 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: