

**TERMS OF REFERENCE FOR AN ASSISTANT TO RENDER SERVICES AS A
CRIMINAL INVESTIGATION TECHNICAL ADVISOR IN ABUJA (NIGERIA)
FOR THE PROJECT:**

“Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria”

**TERMS OF REFERENCE
Criminal Investigation Technical Advisor**

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, by Delegation Agreement FED/2017/387-999, FIIAPP is implementing the European Union’s External Action “Action **Against Trafficking in Persons and Smuggling of Migrants in Nigeria**”, **A-TIPSOM** (The Action).

Within the framework of The Action, FIIAPP is in the process of tendering local support expertise services for the Action in Abuja which will be the base of operations in Nigeria.

2. OBJECT

It is the object of this invitation to hire the services of an assistant to cover the position of Criminal Investigation Technical Advisor for The Action with an expected end date of June 04 2022, reserving possible extensions.

3. CONTRACTING AUTHORITY

The contracting authority may be, in accordance with the bidding budget, for contracts of individualized amount 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 **27 of May 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 46.800 €, **for 36 months**. 1.300 € (no taxes included) once a month.

13. DESCRIPTION OF THE SERVICES TO BE DEVELOPED.

Under the direct supervision of the Team Leader, Institutional Coordinator and the project officer HQ, the Criminal Investigation Technical Advisor will develop the following tasks:

- ▶ Project management and delivery support
 - Assist in preparing annual project work plans and related sub-plans (procurement/ HR plan).
 - Assist in monitoring of progress against approved work plans for the component 4th of the project (*identification and investigation of trafficking and smuggling of persons*), ensuring timely and good-quality implementation of activities and problem-solving in relation to operational delivery. Updating the quantitative log frame related to the component 4th.
 - Mobilize personnel, materials and services for activities implemented under the FIIAPP budget and supervise the successful implementation of activities related to the component 4th;
 - In cooperation with the Institutional Coordinator, manage requests for the provision of resources by FIIAPP for the delivery of activities of the component 4th.
 - Support the monitoring of progress and risks, ensuring that changes are controlled, and problems addressed referred to component 4th.
 - Assist in organizing regular coordination meetings and support regular progress reporting, including preparing of technical briefs/status updates and progress reports of the component 4th.
 - Support the creation and maintenance of liaison activities and networking with government bodies, public institutions, National and International NGOs and donor agencies in order to improve the consecution of the outcome of the component 4th.
 - Ensure gender mainstreaming and gender sensitive response in programming and activities referred to the component 4th.

- ▶ Other tasks
 - Perform other related duties as required;

Requirements:

- University degree in Law, Criminology or related studies.
- At least 2 years of actions in investigations into human trafficking and smuggling in Nigeria or West Africa countries.

- At least 2 years of actions in setting up trainings and workshops.
- Fluency in both oral and written English (Level C1).
- Advanced Computer literacy (e.g. Word, Excel, PowerPoint, Internet).
- At least fluent in one of these languages: Hausa, Igwo, Fula or Yoruba

Merits:

- Advanced knowledge in investigation procedures about international networks of Trafficking and Smuggling of Persons in Nigeria or West Africa.
- Advance knowledge in Gender Studies
- Actions deployed in criminal investigation.
- Actions deployed in multi-sectoral and multiagency approaches
- Actions as academic researcher in TIPSOM

The proposal has to include a CV in English and tables of Appendix 1. Merits and expertise indicated in the table will be valued with the CV's information.

14. CRITERIA FOR THE EVALUATION

The proposals have to include a CV in English (plus the tables of Appendix 1).

Expertise indicated in the table will be valued with the CV's information. Supporting documentation is required to prove experience and education level (scanned copy of titles, certificates, recommendation letters, etc.)

The score will be given according to the table's criteria:

MERITS		100
Criteria	Evaluation Method	Maximum Score
Advanced knowledge in investigation procedures about international networks of Trafficking and Smuggling of Persons in Nigeria or West Africa.	5 points per 30 hours of course	20
Advance knowledge in Gender Studies	5 points per 30 hours of course	20
Actions deployed in criminal investigation.	5 points per year carrying out actions deployed in criminal investigations	20
Actions deployed in multi-sectoral and multiagency approaches	5 points per year carrying out actions deployed in multi-sectoral and multiagency approaches	20
Actions as academic researcher in TIPSOM	5 points per year carrying out an academic research	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 (4 June 2022) with possible extensions.

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.

The successful bidder must provide, before the formalization of the contract, the founding deed power of attorney.

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 the 28 of May 2019 at 12:30 in the headquarters of FIIAPP F.S.P.

APPENDIX I: Requirements and Merits

Requirements

Requirements	Yes/No	Description
University degree in Law, Criminology or related studies.		
At least 2 years of actions in investigations into human trafficking and smuggling in Nigeria or West Africa countries.		
At least 2 years of actions in setting up trainings and workshops.		
Fluency in both oral and written English (Level C1).		
Advanced Computer literacy (e.g. Word, Excel, PowerPoint, Internet).		
At least fluent in one of these languages: Hausa, Igwo, Fula or Yoruba.		

Merits

MERITS. Technical aspects				
Merit	Criteria	Description	Max score	Score
Advanced knowledge in investigation procedures about international networks of Trafficking and Smuggling of Persons in Nigeria or West Africa.	5 points per 30 hours of course		20	
Advanced knowledge in Gender Studies	5 points per 30 hours of course		20	
Actions deployed in criminal investigation.	5 points per year carrying out actions deployed in criminal investigations		20	

Actions deployed in multi-sectoral and multiagency approaches	5 points per year carrying out actions deployed in multi-sectoral and multiagency approaches		20	
Actions as academic researcher in TIPSOM	5 points per year carrying out an academic research		20	

(Place, date and signature of the tenderer)

Signed:

APPENDIX II

STATEMENT OF COMPLIANCE

Mr/Ms, holder of Identity Number....., acting in representation of, holder of T.I.N. 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: