

**TERMS OF REFERENCE FOR AN ASSISTANT TO RENDER SERVICES
AS A
PROJECT LOGISTIC OFFICER IN ABUJA (NIGERIA) FOR THE
PROJECT:
“Action Against Trafficking in Persons and Smuggling of Migrants in
Nigeria”**

Project Logistic Officer and Driver

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** (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 Project Logistic Officer and Driver 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 **19th of November 2018**, 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. 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. Document/s that prove he/she is a self-employed in his/her country

D. Tax Residency Certificate

E. CV of the interested party

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 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 40.800 € for 48 months. 850 euros (no taxes included) once a month.

13. DESCRIPTION OF THE SERVICES TO BE DEVELOPED.

Core Functions / Responsibilities:

- Provide overall support on procurement and logistics to the Action and the staff.
- Ensure the proper design and timely functioning of a service- and support-oriented procurement management system, including procurement, contracting and logistical support.
- Keep in mind Action requirements, FIIAPP procurement policies and financial guidelines, maintain and reinforce a catalogue of procedures governing procurement, contracting and logistics support activities for the Action.
- Establish and maintain centralized records of all aspects associated with procurement and logistics of the Action to ensure that the highest standards possible are followed.
- Ensure consistent communication, coordination and responsiveness with the Team Leader and the Institutional Coordinator on the status of procurement, contracting and logistics activities.
- Assist to and work closely with the Project Administrative Officer in the performance of all outdoor office activities related to the FIIAP, the team and the Action
- Implement proper control and monitoring procedures for the procurement and contracting processes; responsible for ensuring the transparency and competitiveness of FIIAPP bids analysis, and bidding and tendering processes.
- Assist in the preparation and conduction of Request for Quotations (RFQ's), Purchase Requests, Bid Analysis Sheet (BASs), and review purchase receipts, quotations, bids and proposals, evaluations and negotiations of all goods and services to ensure compliance with FIIAPP procurement regulations.
- Provide recommendations on pricing, sourcing and specifications relating material, goods and services for the Action in order to improve deliverables and project quality.
- Create and update a pricing list for most commonly used items for the Action.
- Ensure that all paperwork and procedures are followed for customs and duty exemptions in coordination with the Team Leader, the Institutional Coordinator and relevant government offices.

- Implement effective internal control of assets, inventory and property management.
- Drive the Action vehicles, assist in the coordination of vehicle controls and maintenance and supervision of drivers. The Project Logistic Coordinator is responsible for maintaining and keeping the vehicles fully functional at any time.
- Assist FIIAPP and coordinate with the Landlord in the maintenance and proper functioning of the office
- Perform such other duties as may be assigned.

Requirements:

- a) Valid driver license to be used in Nigeria
- b) Nigerian nationality or with possession of permanent working permit
- c) Completed university degree or similar from an accredited academic institution preferably in Logistics, Procurement, Supply Chain Management.
- d) At least five years of professional actions in managing diverse procurement and logistics operations.
- e) Fluency in English and at least in one Nigerian local language: Hausa, Yoruba, Igbo or Fulah.

Merits

- a) Training on Project Management will be an advantage
- b) actions in /activities performed in the area of international cooperation with international agencies/non-governmental organizations or public bodies
- c) Demonstrable actions and knowledge on Mechanical and vehicle maintenance
- d) Fluency in two or more Nigerian local languages
- d) Working knowledge of Spanish

14.CRITERIA FOR THE EVALUATION

The proposals have to include a CV in English (plus the tables of Annex 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:

THÉCNICAL ASPECTS		100
Criteria	Evaluation Method	Maximum Score
Professional Qualifications	Upgrade on the requirements contained on Section 13 of this Terms of Reference	100
	Training in project management (Certificate) 3 p: 50-80 hours of training. 5p: more than 80hours	5
	Actions/activities performed in the area of logistic in international cooperation or with international agencies/non-governmental organizations or public bodies 10p: 2-3 years 20 p: 4-7 years 30 p: >8 years	60
	Demonstrable actions and knowledge on Mechanical and vehicle maintenance 15 p: 2-4 years 25 p: >5 years	30
	At least working actions in more than 2 regions in Nigeria 3p: 2 Nigerian region experience 5p: more than 2 Nigerian regions working actions	5

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.

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 29 of November at 12:30 p.m. at the headquarters of FIIAPP F.S.P.

APPENDIX I: Requirements and Merits

Requirements

Requirements			
Criteria	Requirements	YES/No	Description
Driver license			
Valid driver license B1 to be used in Nigeria			
Passport/working permit	Nigerian nationality or with possession of permanent working permit		
Diploma/certificate	Completed university degree or similar from an accredited academic institution preferably in Logistics, Procurement, Supply Chain Management.		
C.V	At least five years of professional actions in managing diverse procurement and logistics operations.		
C.V	Fluency in English		

Merits

MERITS. Technical aspects				
Merit	Criteria	Description	Max score	Score
Training in project management (Certificate)	3 p: 50-80 hours of training. 5p: more than 80hours		5	
Actions in /activities performed in the area of logistic in international cooperation with international agencies/non-governmental organizations or public bodies	10p: 2-3 years 20 p: 4-7 years 30 p: >8 years		60	

Demonstrable actions and knowledge on Mechanical and vehicle maintenance	15 p: 2-4 years 25 p: >5 years		30	
At least working actions in more than 2 regions in Nigeria	3p: 2 Nigerian region experience 5p: more than 2 Nigerian regions working experience		5	

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: