

## **EUROPEAN COMMISSION PROJECT IN MYANMAR: “SUPPORT TO THE REFORM OF THE MYANMAR POLICE FORCE”**

### *TERMS OF REFERENCE* **Gender advisor**

#### **1. BACKGROUND**

FIIAPP 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.

According to its mission, the Foundation has been awarded the Delegation Agreement “Support to the reform of the Myanmar police force” project funded by the European Union.

The overall objective of the project is to contribute to a more preventive, balanced and professional approach of law enforcement agencies, based on international best practices and respect for human rights.

The MYPOL Project commenced on December 2016 and it is expected to end on November 2021, since the very beginning gender has been included as an important cross-cutting issue of the project and it is considered as an essential factor for modern policing in conformity with international standards.

The Description of the Action (DOA) clearly states that the implementation of MYPOL project has to take into account the Myanmar’s National Strategic Plan for the advancement of women 2013-2022. The plan is part of the efforts the State of Myanmar has focused more strongly over the last years.

Last year, in the framework of the Results Oriented Monitoring (ROM) mission implemented by the European Commission, the project was evaluated by an external consultant. The ROM report included the employment of a gender expert as one of the recommendations.

#### **2. OBJECT**

FIIAPP seeks a Gender Expert to assist MYPOL project team in Myanmar to establish a gender strategy and to implement it throughout the project duration. The Gender Expert should provide inputs and orientation to all project’s components and to the Project Management Unit for the adequate implementation of a gender mainstreaming approach to MYPOL project.

### **3. CONTRACTING AUTHORITY**

The contracting authority may be, in accordance with the bidding budget, for contracts of individualized amount over €100,000, the Director 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 a negotiated procedure in which at least three natural persons authorised for the purpose of the contract will be invited to submit a bid, to the extent possible.

## **6. CAPACITY TO CONTRACT**

They shall be eligible for the award of this contract 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.

## **7. BUDGET LINE**

The budget line for this contest is one hundred fifty thousand euros (150.000€) with no taxes included).

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

Under the direct supervision of the Team Leader and Deputy Team Leader (with support of Madrid Headquarters), the gender expert will develop the following tasks:

- Reviewing core documents to the project such as logframe, MEAL indicators, overall workplan, 2019 workplan and similar to identify gender gaps and to propose measures to improve a gender main-streaming approach.
- Reviewing and supporting the improvement of internal employment policies and other relevant institutional policies assuring the inclusion of gender aspects.
- Reviewing and supporting the improvement of reporting technics from a gender perspective, establishing specific guidelines that allow the project to measure gender developments while reporting, beyond the inclusion of disaggregated data.
- Developing an initial gender-based analysis that includes an analysis of the project's core internal policies as well as a thorough analysis on the women's situation in the police service.
- Designing a gender strategy for MYPOL based on the findings arising from the gender-based analysis and leading its implementation, including the design of a gender workplan for the office.
- Producing internal documents, guidelines, protocols and similar to assure the gender perspective is being institutionalised and that MYPOL team

has the necessary tools to include a gender approach into their daily activities and strategy.

- Increasing capacity building, through different workshops, at MYPOL on gender issues and, particularly, increasing technical abilities to include a gender approach into day-to-day practices and strategies.
- Ensuring that publications are gender sensitive and they use inclusive language, promoting the production of materials that support the MPF to recognize the importance of women within the institution.
- Promoting the involvement of women in all MYPOL activities.
- Assessing periodically other MYPOL departments such as the communication and M&E units as well as the project's implementing agencies and the PMU, amongst others.
- Any other tasks related to the objective of this position.

## **9. CRITERIA FOR THE EVALUATION**

### **a. Requirements**

- University degree or postgraduate in Gender Studies, Human Rights, Law, Social Sciences, International relations, International Cooperation for Development or related issues.
- At least 5 years of relevant experience in designing and/or implementing gender mainstreaming strategies and workplans.
- Experience working on gender equality and women's rights at different stages of the project cycle in the context of international cooperation.
- Experience working with national/international NGOs/UE/UN bodies/ Government.
- Solid understanding of gender and intersection inequalities.
- Strong commitment to gender equality, human rights and respect for diversity.
- Very good oral and written command of English.
- High levels of cultural sensitivity and awareness of the sensitivity of the project issues.
- Proven experience in developing countries.
- Excellent command of spoken and written English

- Capacity to have residence and valid work permit in Myanmar mandatory.

### b. Merits

The following characteristics will be considered as **additional assets**:

- Additional years of relevant professional performance in above mentioned areas (designing and implementing gender mainstreaming strategies), acquired in a similar position. 16
- Knowledge of strategic planning with a gender perspective. 14
- Previous works in EU-funded projects focused on gender issues, or any other international donor. 10
- Knowledge in developing gender strategies in the context of the security sector. 10
- Performance developed in multicultural environments in Southeast Asia. 5
- Relevant additional studies, training or certification on women's rights and gender matters. 5

### c. Evaluation criteria

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

<b>TECHNICAL ASPECTS</b>		
<b>Criteria</b>	<b>Evaluation Method</b>	<b>Maximum Score</b>
<b>Professional Qualifications</b>	<b>Upgrade on the requirements contained on Section 8 of the Technical Conditions</b>	<b>60</b>
	Additional years of relevant professional performance in above mentioned areas (designing and implementing gender mainstreaming strategies), acquired in a similar position  8 p: 5- 9 years 16 p: >10 years	<b>16</b>
	Knowledge of strategic planning with a gender perspective	<b>14</b>

	1 point per year performed	
	A sample of previous work in EU-funded projects focused on gender issues, or any other international donor 1 point per year performed in EU-funded project 0,5 points per year performed with other international donors	<b>10</b>
	Knowledge in developing gender strategies in the context of the security sector. 1 point per year performed	<b>10</b>
	Performance developed in multicultural environments in Southeast Asia 0,5 points per activity performed longer than 3 months	<b>5</b>
	Relevant additional studies, training or certification on women's rights and gender matters Course >180h: 2 points Course 50h-180h: 1 point Course <50h: 0,5 points	<b>5</b>
<b>Technical Quality of the Proposal</b>	<b>Clarity and quality of the proposed methodology and adequacy of the suggested work plan in relation to the objectives and requirements of the assignment</b>	<b>40</b>
	<b>1. – Coherence and quality of the proposed methodology</b>	<b>(20)</b>
	• Adequacy of the theoretical-methodological approach in relation to the nature and objectives of the assignment	10
	• Validity of the techniques and the proposed mechanisms to achieve	10
	<b>2 – Organization of the work</b>	<b>(20)</b>
	• Adjustment of the proposed calendar to the envisaged activities	10
	• Elements for an added value in relation to the offer, as for example, the incorporation intersectional discriminations, the experience in security and human rights issues.	10

The evaluation of the proposals will be made according to the technical offer. The technical evaluation is divided into two parts: the consultants' profiles and the technical proposal.

The evaluation of Professional Qualifications -Scores will be given according to the evaluation of the various criteria appearing in the table.

The evaluation of the technical proposal will be as follows:

The maximum score will be awarded, for each of the criteria, to the best offer in this regard. The rest of suppliers will be a proportional score to the best.

## **10.REGULATORY PROCEDURES**

The contract shall be governed by:

- The clauses contained in this specification.
- The Manual of procurement of supplies and services of the FIIAPP.
- The Provisions of law 50/2002 of the Foundations and in the 1337-2005 RD of November 11st.
- Royal 3/2011 Legislative Decree of 14 November, which approves the TRLCSP.

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 which may have application in the execution of the agreement, shall not relieve the employer from the obligation of compliance.

Pursuant to Article 21.2 of Royal Legislative Decree 3/2011 of 14 November, approving the revised text of the Law 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.

## **11.DURATION OF THE CONTRACT**

The contract will have a time of duration from its signature until the end of the project implementation due on 30 November 2021.

## **12.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.

## **13.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.

## **14.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.

## **15.AWARD TERM AND FORMALIZATION**

The contract will be awarded within a period of 5 weeks 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.

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

## **16.START OF THE ACTIVITY**

The official starting date will be the following day to the contract formalization (expected around August – September 2019).

## **17.SUBMISSION OF PROPOSALS**

To respond to this ToR, the interested parties who meet the above-outlined requirements should submit:

- A technical proposal, including methodology and operational work plan proposing how the work will be done and how objectives of the assignment will be met (max. 5 pages). This will be subject to adjustments and review after the contract signing.
- CVs of the proposed consultant indicating relevant work experience and qualifications, including a list of similar assignments carried out by the consultants and/or the consulting firm.

The proposal should be sent to the following e-mail addresses [maria.ayllon@fiiapp.es](mailto:maria.ayllon@fiiapp.es) and [mariajose.urgel@fiiapp.es](mailto:mariajose.urgel@fiiapp.es) indicating on the title in the "subject": "Gender advisor".

**Deadline for receipt of applications:** 12<sup>th</sup> August 2019 at 10.00h (Madrid time).

The assistant will provide FIIAPP F.S.P. with an account number and a swift code for a EURO Bank account in Myanmar. FIIAPP F.S.P. Spain will transfer the fees agreed monthly upon for the services rendered.

The expert must provide before the contract signature the following documents:

- BANK certificate proving account holder ship
- Tax residence certificate issued by the appropriate tax authority of their country of residence. This certificate will be provided yearly.

## Annex 1: Requirements and Merits

### Requirements

Requirements	Yes/No	Description
University degree or postgraduate in Gender Studies, Human Rights, Law, Social Sciences, International relations, International Cooperation for Development or related issues		
At least 5 years of relevant experience in designing and/or implementing gender mainstreaming strategies and workplans.		
Experience working on gender equality and women's rights at different stages of the project cycle in the context of international cooperation.		
Experience working with national/international NGOs/UE/UN bodies/ Government.		
Solid understanding of gender and intersection inequalities.		
Strong commitment to gender equality, human rights and respect for diversity.		
Very good oral and written command of English.		
High levels of cultural sensitivity and awareness of the sensitivity of the project issues.		
Proven experience in developing countries		
Capacity to have residence and valid work permit in Myanmar mandatory		

### Merits

Merits	Criteria	Description	Max. Score	Score
<b>Professional Qualifications</b>				
Additional years of relevant professional performance in above mentioned areas (designing and implementing gender mainstreaming strategies), acquired in a similar position	8 p: 5- 9 years 16 p: >10 years		<b>16</b>	

Knowledge of strategic planning with a gender perspective	1 point per year performed		<b>10</b>	
previous work in EU-funded projects focused on gender issues, or any other international donor	1 point per year performed in EU-funded project 0,5 points per year performed in EU-funded project		<b>10</b>	
Knowledge in developing gender strategies in the context of the security sector.	1 point per year performed		<b>10</b>	
Actions performed in multicultural environments in Southeast Asia	0,5 points per activity performed longer than 3 months		<b>5</b>	
Relevant additional studies, training or certification on women's rights and gender matters	Course >180h: 2 points Course 50h-180h: 1 point Course <50h: 0,5 points		<b>5</b>	
<b>Technical Quality of the Proposal</b>				
Adequacy of the theoretical-methodological approach in relation to the nature and objectives of the assignment			<b>10</b>	
Validity of the techniques and the proposed mechanisms to achieve			<b>10</b>	
Adjustment of the proposed calendar to the envisaged activities			<b>10</b>	
Elements for an added value in relation to the offer, as for example, the incorporation intersectional discriminations, the experience in security and human rights issues			<b>10</b>	