



# 1. CALL FOR TENDERS

## Consultancy services to produce a briefing paper on the law and practice of universal jurisdiction in Argentina

TRIAL International, implementing the project "Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations: Making Justice Work" under EU funding, is procuring services to promote accountability under extraterritorial and universal jurisdiction.

Participation in tendering is open on equal terms to natural and legal persons. No more than one tender can be submitted by a natural or legal person. In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded. Subcontracting is allowed, however any subcontracting needs to be already included and identified in the offer and will be subject to the same rules as the contractor.

The following criteria will be applied to the tenderers:

### Part A: Selection

Professional and technical capacity of the tenderer:

- 1- Professional certificate appropriate to this contract, such as a master's degree in domestic or international law, with specific focus on criminal law;
- 2- Extensive knowledge of the legal framework and practice of extraterritorial and universal jurisdiction in Argentina;
- 3- At least 6 years of relevant legal and/or research experience, of which at least 3 in the international criminal law sector;
- 4- Experience in researching substantive and procedural aspects of international and domestic criminal law;
- 5- Experience in litigating or supporting litigation of international crimes under extraterritorial and universal jurisdiction;
- 6- Experience in report writing with prior publication experience;
- 7- Fluency in Spanish and English mandatory.

The quality of each technical offer will be evaluated in accordance with the selection criteria and the weighting further detailed in the evaluation grid of the tender dossier.

### Part B: Award

Upon completion of the technical evaluation, the envelopes containing the financial offers for tenders that were not eliminated during the technical evaluation will be opened.

The award criteria is the best price-quality ratio, established by weighing technical quality against price on an 80/20 basis.

The submission of offer to this call for tender may not result in the award of a contract.

TRIAL International will not be responsible for any costs or expenses incurred by the tenderers in connection with the preparation and submission of their tenders to TRIAL International.



## 2. TERMS OF REFERENCE

### 2.1 CONTEXT

The project "Global Initiative Against Impunity for International Crimes and Serious Human Rights Violations: Making Justice Work" financed by the European Union seeks to address an increasing climate of impunity for core international crimes and serious human rights violations through fostering comprehensive justice and accountability.

The services to be provided under this contract will support TRIAL International's efforts in fighting impunity for international crimes through extraterritorial and universal jurisdiction. In order to contribute to a better understanding of national justice systems and to support strategic decision-making related to the case-building and litigation of cases based on extraterritorial and universal jurisdiction, TRIAL International seeks to conduct research on the current legal framework and practice related to extraterritorial and universal jurisdiction in Argentina. This consultancy aims at producing and publishing a briefing paper that will provide legal practitioners and civil society actors with in-depth analysis and practical guidance on the law and practice of extraterritorial and universal jurisdiction cases in Argentina. This paper will be part of the [Universal Jurisdiction Law and Practice Briefing Papers series](#).

### 2.2 OBJECTIVE, PURPOSE & EXPECTED RESULTS

The purposes of this contract are to:

- 1) Collect information, through desk research and interviews, on the legal framework and practice of extraterritorial and universal jurisdiction in Argentina;
- 2) Analyze and compile the information collected;
- 3) Draft a report on "Universal Jurisdiction Law and Practice in Argentina".

Results to be achieved by the consultant are:

- 1) A work schedule, research questions, methodology and tools, such questionnaires, are drafted;
- 2) A list of relevant practitioners/experts and organizations/institutions is drafted;
- 3) Contact with relevant actors, who could contribute to the research through interviews or partnerships, is established and maintained for the conduct of research, and consent forms and/or MoUs are drafted in order to conduct interviews and establish partnerships;
- 4) Desk research and interviews are conducted;
- 5) The sources of the research are compiled in a precise and secure digital form;
- 6) A draft briefing paper on "Universal Jurisdiction Law and Practice in Argentina", which respects a minimum of 15'000 and a maximum of 20'000 words, is written, in English, in a format agreed with TRIAL International;
- 7) A final draft is produced by integrating edits provided by TRIAL International;

### 2.3 SCOPE OF THE WORK

Geographical area to be covered: Argentina.

### 2.4 RESPONSIBLE BODY

TRIAL International

### 2.5 MANAGEMENT STRUCTURE



The Program Manager of TRIAL International's International Investigation and Litigation Program, based in Geneva, will be in charge of the overall implementation of the project, including the recruitment, progress and reporting of the consultant.

## 2.6 LOGISTICS AND TIMING

The consultant will work remotely.

The intended start date is 15 August 2024. The assignment must be fully completed by 1 November 2024 at the latest.

## 2.7 REPORTING REQUIREMENTS

The consultant will provide the following documents:

| Name of document   | Content  | Time of submission  |
|--|--|---|
| Work schedule, research questions, methodology, MoUs and tools, such as a questionnaire. | <ul style="list-style-type: none"><li>- Work schedule for the entire duration of the consultancy;</li><li>- Methodology;</li><li>- MoUs;</li><li>- Research questions;</li><li>- Tools, such as a questionnaire.</li></ul> | No later than 2 weeks after the start date.               |
| Compilation of sources   | <ul style="list-style-type: none"><li>- Compilation of sources</li></ul>   | No later than 1 month after the start date.               |
| Draft briefing paper   | <ul style="list-style-type: none"><li>- Draft of the briefing paper</li></ul>  | No later than 2 months after the start date               |
| Finalized briefing paper   | <ul style="list-style-type: none"><li>- Finalized briefing paper</li></ul>   | No later than on the date of termination of the contract. |

A digital version of the documents referred to above must be submitted to the project manager as identified in the contract. The documents must be written in English. The project manager is responsible for approving the documents.

## 2.8 MONITORING AND EVALUATION

Indicator: One briefing paper on national mechanisms in Argentina for Universal Jurisdiction cases is available to support future litigation and advocacy actions.



## 3. INSTRUCTIONS TO TENDERERS

**Date : 8 July 2024**

**Tender N° : UE4T\_OT\_004**

The tender documents can be downloaded from TRIAL International website at <https://trialinternational.org/get-involved/work-with-us/>

### 3.1 SERVICES TO BE PROVIDED

The services required by the contracting authority are described in the terms of reference.

### 3.2 QUESTIONS

Tenderers may submit questions in writing to the following address: [procurement@trialinternational.org](mailto:procurement@trialinternational.org) until 23 July at 12pm (Central European Time). Please indicate "Question - Tender n. UE4T\_OT\_004" in the subject of the email. TRIAL International has no obligation to provide clarification for requests received after this date.

### 3.3 CONTENTS OF TENDERS

The tender must comprise of a technical offer and a financial offer, which must be submitted in separate envelopes. The outer envelope must thus contain two separate, sealed envelopes, one bearing the words 'Envelope A — Technical offer' and the other 'Envelope B — Financial offer'. Each technical offer and financial offer must contain one original, clearly marked 'Original', and one copy, marked 'Copy'.

The outer envelope should provide the following information:

- a) the address for submitting tenders indicated above;
- b) the reference code of the tender procedure;
- c) the words 'Not to be opened before the tender-opening session';
- d) the name of the tenderer.

The pages of the technical and financial offers must be numbered.

All correspondence and documents related to the tender must be written in English. Supporting documents and printed literature furnished by the tenderer may be in another language. Prices have to be in euro (€) and inclusive of all applied taxes.

Answers to this tender must include the following elements:

- 1) In 'Envelope A — Technical offer':
  - a) Proof of registration as an independent consultant or company registration documents;
  - b) Service Tender Submission Form;
  - c) List of names and CVs of the proposed consultant(s);
  - d) Supporting document of the technical and professional capacity;



- 2) In 'Envelope B — Financial offer':
  - a) Financial offer Form.

Any missing information may lead to rejection of the offer.

By submitting a tender, tenderers accept to receive notification of the outcome of the procedure by electronic means.

### 3.4 SUBMISSION OF TENDERS

Tenders must be sent **by post** and reach TRIAL International before 4 August 2024 at 5 pm (Central European Time) at the address: TRIAL International, Rue de Lyon 95, 1203 Geneva, Switzerland

Or by electronic email at the address: [procurement@trialinternational.org](mailto:procurement@trialinternational.org)

Tenders submitted by any other means will not be considered. Late tenders will automatically be rejected.



## 4. EVALUATION GRID

|   | <b>Maximum Points</b> |
|---|-----------------------|
| <b>Professional Experience</b>  | <b>60</b>             |
| Professional certificate appropriate to this contract, such as a master's degree in domestic or international law, with specific focus on criminal law. | 5                     |
| Extensive knowledge of the legal framework and practice of extraterritorial and universal jurisdiction in Argentina.                                    | 15                    |
| Experience in researching substantive and procedural aspects of international and national criminal law.  | 10                    |
| Experience in litigating or supporting litigation of international crimes under extraterritorial and universal jurisdiction.                            | 10                    |
| Experience in report writing with prior publication experience.   | 5                     |
| At least 6 years of relevant legal and/or research experience, of which at least 3 in the international criminal law sector.                            | 5                     |
| Fluency in English and Spanish mandatory.   | 10                    |
| <b>Organization and Methodology</b>   | <b>20</b>             |
| Methodology proposed for the research   | 10                    |
| Work schedule proposed for the research   | 5                     |
| Availability  | 5                     |
| <b>Total Score</b>  | <b>80</b>             |



## 5. SERVICE TENDER SUBMISSION FORM

Tender N° :

**Please supply one signed tender.** The attachments to this submission form may be in original or copy. If copies are submitted, the originals must be dispatched to TRIAL International upon request.

**All data included in this application must concern only the legal entity making the tender.**

Any additional documentation (brochures, letters etc.) sent with your tender will not be taken into consideration.

### 5.1 TENDERER

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Validity of the offer: \_\_\_\_\_ (minimum 4 months)



## 5.2 AREAS OF SPECIALISATION

Indicate your areas of specialist knowledge by placing a tick (✓) in the box corresponding to the specialization in which you have significant experience.

| Areas of specialist knowledge   | Tenderer's areas of specialist knowledge |
|---|--|
| Professional certificate appropriate to this contract, such as a master's degree in domestic or international law, with specific focus on criminal law. | <input type="checkbox"/>                 |
| Extensive knowledge of the legal framework and practice of extraterritorial and universal jurisdiction in Argentina.                                    | <input type="checkbox"/>                 |
| Experience in researching substantive and procedural aspects of international and national criminal law.  | <input type="checkbox"/>                 |
| Experience in litigating or supporting litigation of international crimes under extraterritorial and universal jurisdiction.                            | <input type="checkbox"/>                 |
| Experience in report writing with prior publication experience.   | <input type="checkbox"/>                 |
| At least 6 years of relevant legal and/or experience, of which at least 3 in the international criminal law sector.                                     | <input type="checkbox"/>                 |
| Fluent in English and Spanish mandatory.  | <input type="checkbox"/>                 |
| Professional certificate appropriate to this contract, such as a master's degree in domestic or international law, with specific focus on criminal law. | <input type="checkbox"/>                 |

Provide any supporting document of the technical and professional capacity, including 2 writing samples (at least one in English).

## 5.3 EXPERIENCE

Please fill in the table below the 5 most relevant projects related to this contract carried out over the past 10 years.

| Name of client | Type and scope of services provided | Description of project | Target Country/Group | Dates (start/end) | Sums received for the provision of the services mentioned |
|----------------|-------------------------------------|------------------------|----------------------|-------------------|---|
|                |                                     |                        |                      |                   |   |
|                |                                     |                        |                      |                   |   |
|                |                                     |                        |                      |                   |   |
|                |                                     |                        |                      |                   |   |





#### 5.4 ORGANISATION AND METHODOLOGY

In maximum 2 pages, draft a short description of your proposed work schedule and methodology for the realization of the results set out in the ToR.

#### 5.5 STATEMENT

I, the undersigned, being the authorized signatory of the above tenderer (for a consortium, this must include all consortium members), hereby declare that I have examined and accept without reserve or restriction the entire content of the tender dossier for the tender procedure referred to above. I offer to provide the services requested in the tender dossier on the basis of the following documents, which comprise my technical offer, and my financial offer, which is submitted in a separate, sealed envelope:

- Proof of registration as an independent consultant or company registration documents;
- Service Tender Submission Form;
- List of names and CV(s) of the proposed consultant(s);
- Supporting document of the technical and professional capacity, including 2 writing samples (of which at least one in English);
- Financial offer form;

Signed by the tenderer

|  |  |
|--|--|
| <b>Name of the independent consultant or authorized representative in case of legal entity</b> |  |
| <b>Signature</b>   |  |
| <b>Date</b>  |  |



## 6. FINANCIAL OFFER FORM

Tender N° : UE4T\_OT\_004

The financial offer shall not exceed 12'000 EUR.

Please see the ToR attached.

Budget is inclusive of all costs associated with completion of the work.

Please include a price breakdown based on the outputs/deliverables in the terms of reference:

| # | Description   | Estimated number of Working Days | Daily Rate | Total Price (in EUR) (inclusive of all applied taxes) To be filled by the Tenderer |
|---|---|----------------------------------|------------|--|
| 1 | Work schedule, research questions, methodology, MoUs and tools, including a questionnaire |                                  |            |  |
| 2 | Compilation of sources  |                                  |            |  |
| 3 | One briefing paper  |                                  |            |  |
|   |   |                                  |            |  |

<Date>

<Name of the independent consultant or authorized representative in case of legal entity>

<Signature of the independent consultant or authorized representative in case of legal entity >



## 7. TENDERER'S DECLARATION

Dear Sir/Madam

In response to your letter of invitation for tender "UE4T\_OT\_004" we, <Name of the independent consultant or authorized representative in case of legal entity>, hereby declare that we:

- are submitting this tender on an individual basis for this contract. We confirm that we are not participating in any other tender for the same contract in any form;
- have not been involved in the preparation of the project which is the subject of this tender procedure unless it is proved that the involvement in previous stages of the project does not constitute unfair competition, and have no professional conflicting interests and/or any relation with other tenderers or other parties in the tender procedure or behavior which may distort competition at the time of submission of this tender according to Section 2.5.4. of the [practical guide](#);
- will inform the contracting authority immediately if there is any change in the above circumstances at any stage during the implementation of the tasks;
- fully recognize and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the [practical guide](#) or if the declarations or information provided prove to be false they may be subject to rejection from this procedure and to administrative sanctions in the form of exclusion and financial penalties up to 10% of the total estimated value of the contract being awarded and that this information may be published on the Commission website in accordance with the Financial Regulation in force;
- are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

We understand that our tender and the expert may be excluded if we propose the same key expert as another tenderer or if we propose a key expert who is engaged in an EU/EDF financed project if the input from his/her position in that contract could be required on the same dates as his/her work under this contract.

We understand that if we fail to respond within the delay after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.

<Date>

<Name of the independent consultant or authorized representative in case of legal entity>

<Signature of the independent consultant or authorized representative in case of legal entity >