



**Contracting Authority:** The European Commission

**Call for Expression of Interest (CEI)**  
addressed to EU Member States in the framework of EU Programme  
**"Support to Integrated Border Management in Latin America -  
EUROFRONT"**

## **GUIDELINES**

Budget line 21.020100  
Development Cooperation Instrument (DCI)

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## **DOCUMENTS ATTACHED TO THESE GUIDELINES**

Annex 1: Description of the programme EUROFRONT

Annex 2: Expression of Interest

Annex 3: Selection Grid

## 1. PROGRAMME AND INTERVENTION DESCRIPTION

In the framework of the Annual Action Programme 2018 covered by the Multiannual Indicative Regional Programme for Latin America 2014-2020 for the Development Cooperation Instrument, the European Union is launching the Programme "Support to Integrated Border Management in Latin America – EUROFRONT" for a total amount of EUR 15 million.

The programme falls under the Development and Cooperation Instrument (DCI Regulation N° 1905/2066), the overarching objective of which is "the eradication of poverty in partner countries and regions in the context of sustainable development".

This Programme will be implemented through two different contracts, one contract with Member State institutions (10 M€) and one contract with the International Organization for Migration - IOM (5 M€).

These guidelines are referring exclusively to the EUR 10 million contract which will be used to implement Component 1 of the programme, subsequently called "the intervention".

The EU has decided to implement this intervention on the basis of a PAGODA/Contribution Agreement<sup>1</sup> to be concluded between the EU and a **Consortium of EU Member States specialised services and bodies** under indirect management.

This intervention will include institutional capacity building of Border Management agencies and other relevant institutions.

### 1.1. CONTEXT

Latin America (LA) covers twenty million square kilometres, divided by 36 borders separating 18 countries. The total borderline extends to 41.120 km.

In general terms, LA countries have advanced in their diverse integration process, establishing regional governing and coordination structures. Significant achievements on the facilitation of transit of people and goods through multilateral or bilateral agreements have been reached in the region, and this has lead to a reduction of customs and migration controls. Regional Security Strategies have been developed, which also include priorities in border security. This has laid down the basis for the slow introduction of the concept of Integrated Border Management (IBM), which has, in turn, fostered the establishment of (transnational) inter-agency working groups on border issues and induced progress to ensure an effective and harmonised implementation of the standard rules and procedures on border control among countries in the region. In this respect, substantial progress has been made in the establishment of information systems and connection to INTERPOL databases such as the I-24/7 platform.

However, in vast areas of the continent, **porous borders** represent severe concern issues due to large territories with difficult geography, weak border surveillance and lack of state presence. This has resulted in

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<sup>1</sup> The Commission signs contribution agreements with organisations implementing actions in indirect management. With the entry into force of the Financial Regulation, the contribution agreement replaces the pillar assessed grant or delegation agreement template (PAGoDA). However, organisations who have signed framework agreements with the European Commission may continue signing PAGoDA-based agreements until a new FFPA linked to the contribution agreement has been agreed on or the organisation agrees to sign the contribution agreement without any additions/derogations (i.e. the signature of an FFPA is not necessary in order to sign a contribution agreement).

the growing of **non-formal border crossing points**<sup>2</sup>, which are often the locus of criminal phenomena such as drug and human trafficking, smuggling of migrants, as well as all sorts of contraband (from clothes and house goods or electronics, to weapons).

Security forces in the region face difficulties in dealing with transnational organised crime and suffer, at different degrees, from insufficient funding, shortage of troops/security forces and well-trained officers and lack of adequate technology and equipment. In addition, high social and economic inequalities in the region leads to a considerable percentage of the population being vulnerable to irregular migration and the recruiting for illegal activities by members of organised crime networks, which take advantage of the lack of coordination and connectivity between the police and other stakeholders involved in the management of borders, such as migration and customs services.

As an example, in the southern cone, Venezuela represents a major transit country for cocaine shipments via aerial, terrestrial, and maritime routes. Illicit drug flights arriving in Honduras are originated from Venezuelan states bordering Colombia. Colombian and Peruvian cocaine is smuggled into Brazil via the Amazon River, Bolivian cocaine enters Brazil across the 2127 miles land border on trucks, private vehicles, buses and via small (private) aircrafts. Most of the Andean cocaine transiting Argentina is smuggled across the Bolivian-Argentine border and is primarily destined to Europe. Paraguay produces one of the largest marijuana crops, mainly to export to Brazil and Argentina by land or air (via small private aircrafts), while the Northern Triangle formed by Foz do Iguaçú (Brazil), Ciudad del Este (Paraguay) and Puerto Iguaçú (Argentina) is a hub for trafficking of women, children and adolescents for sexual exploitation and other scourges violations of Human Rights -along with contraband of all types of drugs and merchandise. Victims, trafficked both regionally and internationally, mostly originate from Brazil, followed by Paraguay. The smuggling of weapons across borders is also of increasing concern, in the region.

In the Andean states, widespread lack of control is favouring the establishment of organised crime involved in drugs and human trafficking. The presence of Mexican cartels and the transit of irregular immigrants through Peruvian territory constitute a platform to enter Brazil. Borders areas are therefore becoming dangerous places due to the presence of criminal organisations.

In Central America, and more in particular in the so-called “northern triangle” (Guatemala, Honduras, El Salvador) border control also faces immense challenges due, among other, to limited law enforcement capabilities, the fragility of state institutions to address the threats as well as widespread corruption and political interference<sup>3</sup>.

As far as the fight against human trafficking and smuggling of migrants, two distinct but highly interlocked phenomena, significant advances have been made in Latin America over the past decade, with several regional protocols and structures established to fight these crimes -along with modifications in national laws and regulations. In general terms, it is fair to say that the issue of human trafficking has advanced much more than the issue of migrant smuggling.

Overall, the level of interest in controlling and patrolling borders differ among countries in Latin America. While some have a more restrictive and conservative position, others have a more loose approach to border controls and border management.

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<sup>2</sup> Some of which are being closed. See: “[Cerrarán pasos no habilitados entre Argentina y Chile](#)” (19 September 2017).  
“[Gobierno eliminará 56 pasos fronterizos no habilitados en el norte para evitar casos de narcotráfico y contrabando](#)”.  
“[Chile eliminará 56 pasos fronterizos no habilitados](#)” (31 March 2017).

<sup>3</sup> DG DEVCO Roundtable on “Promoting Integrated Border Management (IBM) in Latin America.

and sub-Saharan Africa”, 10-11 September 2013, with support from the International Centre for Migration Policy Development (ICMPD).

As part of migration governance efforts, 30 countries have criminalised human trafficking through laws and regulations. However, considerable gaps in legislation and practical implementation persist. In Mesoamerica, the United States and Mexico have formed some cooperative multinational investigations to disrupt smuggling rings. In South America prosecution and investigation responses have been limited to national and occasionally bi-national, informal cross-border attempts, to confront the problem (although there are existing agreements at the MERCOSUR level -such as the Protocol for Early Detection of Cases of Human Trafficking). The region has improved investigative and prosecutorial procedures and has raised awareness on the topic, yet high-level public officials still do not know how to differentiate smuggling from trafficking and efforts have mainly focused on trafficking -rather than migrant smuggling. Despite these achievements, it is estimated that in Latin America, human trafficking represents a market of USD 16 billion each year, accounting for half of the world spending on human trafficking. Criminal networks continue to grow and evolve because of increasing and changing demand for irregular migration routes. Such is the case with the current flow from Venezuela, which opened venues for migrant smugglers to expand the business.

Concerning legislative arrangements and regulations, several countries in the southern cone have passed new migration laws or amended existing ones. For instance: Brazil has passed/enacted (by unanimity) a new migration law in 2017 (formally revoking the existing “Estatuto do Estrangeiro”, Law No. 6.815 from 19804), with the aim of ensuring equal rights and opportunities to foreigners as if they were Brazilian citizens, as well as simplifying the procedures for entrance and residence in Brazil -a regulatory decree has been passed on 21st November 2017. The National Immigration Council published several additional normative resolutions, providing clarifying details on the new law (e.g. including information on changes to visa types, change of status and employer applications, and document legalization requirements). Argentina’s president, Mauricio Macri (elected in December 2015) passed a decree (No. 70/2017<sup>5</sup>) modifying the 2003 migration law, imposing a more restrictive approach to migration (accelerating/shortening administrative procedures to expel irregular migrants and migrants that committed crimes). The ruling has been highly criticized by civil society, which (with the support of some prosecutors and public officials), presented a request to declare it unconstitutional<sup>6</sup>. Paraguay has started -in 2016- the process to draft a new migration law, which at present is at the end stage in the congress. Bolivia has a new migration law (No. 370) since 2013, modified in November 2017 by Law No. 997<sup>7</sup>. Peru has a new migration law since 2017 (Legislative Decree No. 1350<sup>8</sup>), regulated by Supreme Decree 1 N° 007-2017-IN. Chile’s president Sebastián Piñera presented a new draft of migration law in 2013<sup>9</sup> (with further details added by his current administration in 2018)<sup>10</sup> with a focus on safe, orderly and regular migration, in line with the Global Compact on Migration.

Some countries have increased interest in controlling their borders, as cross-border crime arose in past decades. For example: Argentina has recently developed a complex border-surveillance system with Israeli technology, tested in four pilot border-crossing points. Bolivia created a new police entity (DINAFRON) to patrol borders. Chile has shut down several irregular border-crossing points -so did Argentina. However, for others like Paraguay or Brazil there is still important work to enhance border control and security despite an official political will. Few countries in the region have a formal and structured migration policy (Paraguay is

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<sup>4</sup> <https://www2.senado.leg.br/bdsf/bitstream/handle/id/508142/000986045.pdf?sequence=1>.

<sup>5</sup> Available at: [http://www.migraciones.gov.ar/pdf\\_varios/residencias/Decreto\\_70-2017.pdf](http://www.migraciones.gov.ar/pdf_varios/residencias/Decreto_70-2017.pdf).

<sup>6</sup> <https://www.infobae.com/sociedad/policiales/2017/10/25/la-justicia-avaló-el-decreto-de-macri-para-echar-extranjeros-las-deportaciones-aumentaron-3150-en-dos-anos/>

<sup>7</sup> <https://www.migracion.gob.bo/upload/marcoLegal/leyes/Ley997.pdf>

<sup>8</sup> [https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350\\_migraciones\\_reglamento.pdf](https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350_migraciones_reglamento.pdf)

<sup>9</sup> <https://aristeguinoticias.com/0904/mundo/presidente-chileno-presento-nueva-ley-migratoria-y-anuncia-exigencia-de-visas/>

<sup>10</sup> <https://www.gob.cl/nuevaleydemigracion/>. The previous one dated back 1975

among the few ones, passing it with the support of the IOM) and thus, migration is often regulated and managed via *ad-hoc* and unsystematic policies and actions.

Currently, there is limited capacity in ensuring Human Rights based approach in the identification process for victims of trafficking as well as vulnerable irregular migrants who have been/ are being smuggled, due to a lack of understanding and awareness of the operations of the constantly changing and complex international criminal networks. Those cases of trafficking that are ultimately identified result in only a 10% conviction rate. In South America, in 2013-2015, of the 806 cases processed, only 81 ended in some conviction. In Central America, only 290 victims were identified and, of those, only 56 cases were processed.<sup>11</sup> In Peru, the Ombudsman's office is currently working on a report on human trafficking and migrant smuggling. It is analysing judicial files of cases from all over the country -realizing that many cases are not properly solved due to failures in the system as basic as retaining irregular migrants and not smugglers, confusing smuggling with trafficking or vice versa, etc. (mistakes committed by migration officials, police officials, prosecutors and judges).

Countries in the north and south of the continent are just recently beginning to consider building a response to migrant smuggling and human trafficking seriously. Many, even some senior leaders, still do not understand that smuggling is a crime against the State that generates severe vulnerabilities for individuals to other crimes like trafficking. There are many challenges to face in the regional standardisation of tools, focus, and overall cross-border coordination. In response, in 2011, Central America created a regional platform for coordination and promotion of an integrated approach to combat these crimes. In South America, the Union of South American Nations (UNASUR) has discussed the creation of a similar regional platform that would coordinate the Southern Cone with the Andean region to promote a comprehensive approach to combat human trafficking, including measures to intervene, prevent, and punish traffickers, as well as to assist and protect the victims and their dependents. MERCOSUR has also developed case identification and referral guides focused on trafficking, and regional prevention campaigns.

Corruption among border agents (due to -among other-, low salaries and lack of strict human resource policies), coupled with high turnover of personnel and lack of presence of the central state in border areas impact negatively on the efficiency and effectiveness of border management and control.

Up north, in Central and North America, countries are working on a strategy to fight migrant smuggling, in the framework of the Mesoamerica Programme, with the support of IOM and UNODC.

## 1.2. OBJECTIVES AND PRIORITY ISSUES

The overall **objective** of EUFRONT is to contribute to security, improved respect for, and protection of, human rights and social and economic development at national and regional levels in Latin America through increased effectiveness of border management at four significant land crossing posts. Supporting the fight against human trafficking and smuggling of migrants is also an overall objective.

Specific objective of component 1: Improved capacity of border management agencies at selected borders in Latin America in transition to more effective methods of border management, replicating best practices of the EU IBM paradigm. This component will be implemented by Member States organisation(s) to be selected under this call for expression of interest.

Specific objective of component 2: Improved capacity of institutional actors in beneficiary countries to fight human trafficking and migrant smuggling in specific borders in Latin America, in compliance with international norms, standards and best practices. IOM will implement this component of the programme.

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<sup>11</sup> IOM's 2016 review of Central and North American States' compliance to the Palermo Protocol against Migrant Smuggling.

## Priority areas for support/problem analysis

The EU IBM concept consists of the following dimensions:

- **Border control** (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- **Detection and investigation of cross-border crime** in coordination with all competent law enforcement authorities;
- **Co-ordination and coherence** of the activities of the Member States and Institutions and other bodies of the EU;
- **Inter-agency co-operation** for border management (border guards, customs, police, national security and other relevant authorities) and international co-operation; and
- The **four-tier access control model** (measures in third countries, co-operation with neighbouring countries, border control, control measures within the area of free movement, including return).

Building on this concept, the 2010 “Guidelines for IBM on EU External Co-operation”<sup>12</sup>, has proved to be a powerful tool to initiate and to guide co-operation in this area. This reference policy document defines IBM in an external cooperation context as “*national and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management (...)*.”<sup>13</sup>

Central to this model is the facilitation of movement of goods and persons, concurrently preventing cross-border crime and protection against threats to national security, order, economy and public health.

Furthermore, the Guidelines for IBM in EU external co-operation point to the interdependency of various key areas of support, namely:

**Area 1 - Legal framework.** This includes: legislation and regulatory reform, harmonised legislation in country and cross-border, alignment with EU and/or international standards.

**Area 2 - Institutional framework.** This includes: institutional reform, formal co-operation mechanism, conditions of service, career development.

**Area 3 - Human Resources** (capacity building and training). This includes: (Joint) training programs and in-house trainers; HR management; ethics and integrity of public service.

**Area 4 - Procedures.** This includes: harmonisation of procedures; risk analysis; joint controls and joint operations; exchange of information (horizontal and vertical).

**Area 5 - Infrastructure and Equipment.** This includes: construction and refurbishment of customised BCP; IT and communication tools; basic equipment (search equipment, tools, protective wear, etc.); specialised equipment (cargo scanning, documentation verification, detector dogs, transportation, etc.).

Specific Objective 1 of EUROFRONT is built along those dimensions. It will support cooperation in the context of IBM, as follows:

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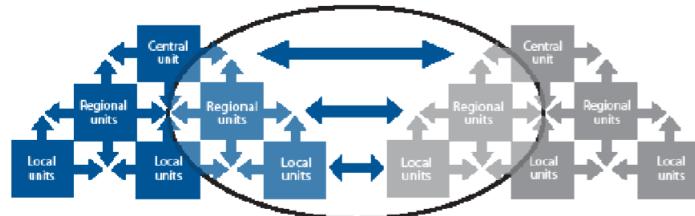
<sup>12</sup><https://europa.eu/capacity4dev/ibm-eap/document/1-guidelines-integrated-border-management-european-commission-external-cooperation-european>.

<sup>13</sup> *Guidelines for Integrated Border Management in European Commission External Cooperation*, November 2010.

### 1. Intra-service cooperation.



### 2. Inter-agency cooperation



### 3. International cooperation.

According to the aforementioned EC-commissioned study on EU support to IBM in Latin America and the Caribbean<sup>14</sup>, the levels of border security, cooperation among border agencies, harmonisation and coordination of policies, the development of capacities and the use of IT systems are still relatively weak in the region. Gaps and weaknesses are especially noticeable in terms border checks and border surveillance, the effective use of risk analysis, inter-agency cooperation, as well as communication and information exchange, including the use of common databases. Limitations have also been observed when it comes to infrastructure, appropriate facilities and technical equipment.

The study concludes that the need for border management development in the region is high and underlines the fact that the integration processes initiated in the region, despite its limitations, could be utilised as entry points for “extending, enhancing and anchoring IBM cooperation”. Its main recommendation, at the continental level, is the provision of technical assistance based on the demand-driven principle and the possible establishment of a Regional Training Facility for IBM. An external mission took place in 2018; it confirms the validity of most of the 2013 conclusions and that Latin American countries have a similar understanding of the IBM concept to the UE but they lack the knowledge and capacity for a full implementation.

**A comprehensive description of the programme is provided in Annex I of this Call for Expression of Interest.**

### 1.3. DURATION AND FINANCIAL ALLOCATION PROVIDED BY THE CONTRACTING AUTHORITY

The planned duration of the operational period of the action is 60 months.

The amount of the PAGODA/Contribution Agreement awarded shall not exceed the maximum amount of EUR 10,000,000.

The eligible costs under the PAGODA/Contribution Agreement will be 100% financed by the EU. No financial contribution by either the applicant or the partners will be required.

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<sup>14</sup> Study on EU Support for Integrated Border Management in the Latin American and Caribbean Region, ICMPD, 2013.

## **2. RULES FOR THIS CALL**

These guidelines set out the rules for the submission of Expression of Interest, submission of Full Application and award of the PAGODA/Contribution Agreement under this Call for Expression of Interest.

### **2.1. ELIGIBILITY CRITERIA**

There are three sets of eligibility criteria, relating to:

- The applicant, its partners (2.1.1)
- The activities for which the contract shall be awarded (2.1.3).
- Types of costs that may be taken into account in setting the amount of the contract (2.1.4).

#### **2.1.1. Eligibility of applicants**

The applicant shall be the leading member of the Consortium (legal or ad hoc grouping) composed of itself and its partners; the applicant shall be directly responsible for the preparation and management of the action with the partners, and shall not act as an intermediary.

It is to be noted that **consortia composed of relevant organisations from different EU Member States are encouraged under this call** (see paragraph below on "Consortium"). **Ideally, all the interested Member States should form one single consortium.**

Partners shall participate in the design and implementation of the PAGODA/Contribution Agreement, and the costs they incur will be eligible in the same way as those incurred by the applicant.

The applicant and its partners may not participate in the CEI or be awarded the PAGODA/Contribution Agreement if they are in any of the situations listed in Section 2.6.10.1.1 of the Practical Guide to contract procedures for EU external actions ("PRAG"); see:

<http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.6.10.1.1>

#### ***Applicant – Consortium leader***

The applicant must satisfy the following eligibility criteria:

- Be a legal person - an EU Member State's<sup>15</sup> public entity such as a development aid agency, a law enforcement body, a border management national agency, or any other equivalent entity in line with the objectives of the EU Programme "Support to Integrated Border Management in Latin America - EUROFRONT".

For British applicants: please be aware that eligibility criteria must be complied with for the entire duration of the contract. If the United Kingdom withdraws from the EU during the contract period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 12.2 of the General Conditions<sup>1</sup> to the PAGODA/Contribution agreement.

and;

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<sup>15</sup> To be determined on the basis of the organisation's statutes, which should demonstrate that it has been established by an instrument governed by the national law of the country concerned and that its head office is located in an eligible country.

- Be able to demonstrate experience and capacity (including to deploy the necessary human resources in the beneficiary countries and the EU) to manage activities corresponding in scale and complexity with those for which the contract is made available (see below point 2.1.3 “Selection criteria”);
- Be eligible for indirect management.

### ***Partners***

The Applicant-Consortium leader may act in partnership with one or more organisations mentioned in the Application (implementing partners or partners). Partners shall actually participate in implementing the Action, and the costs they incur shall then be eligible under the same conditions as those incurred by the Consortium leader.

Partners must satisfy the following eligibility criteria:

- be a legal person based in Europe (i.e. public entity such as a an EU Member State's<sup>16</sup> public entity such as a development aid agency, a law enforcement body, a border management national, European agency, or any other equivalent entity in line with the objectives of the EU Programme "Support to Integrated Border Management in Latin America - EUROFRONT ") and
- have high technical competence and experience in the field of border management problematic and capacity to deploy in-duty experts in the beneficiary countries and the EU;
- have proven experience in transferring EU knowledge/experience of Integrated Border Management to other countries
- Be eligible for indirect management.

For British partners: Please be aware that eligibility criteria must be complied with for the entire duration of the contract. If the United Kingdom withdraws from the EU during the contract period without concluding an agreement with the EU ensuring in particular that British applicants continue to be eligible, you will cease to receive EU funding (while continuing, where possible, to participate) or be required to leave the project on the basis of Article 13.1 of the General Conditions to the PAGODA/Contribution agreement.

### ***Consortium***

#### **The Consortium is the set of applicants and partners**

The interested entities shall indicate in their Expression of Interest (see Annex 2 to these Guidelines) whether they prefer acting as an applicant or as a partner.

The expression of interest must reflect the European dimension of the intervention; a significant number of specialised services and bodies should be part of the Consortium. Collectively, they must represent EU and EU MS policies and operational practices relevant to border management.

Consortia composed of competent bodies from several EU Member States are encouraged. The variety/complementarity of experience from different EU Member States will be positively assessed (see section 1.3 of Annex 3 “Selection grid”).

One of the applicants will lead the Consortium taking into account the information provided in the Expression of Interest, while others may be proposed as partners.

Partners will mention in the Expression of Interest (Annex 2) the name of the applicant leading the consortium they belong to.

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<sup>16</sup> To be determined on the basis of the organisation's statutes, which should demonstrate that it has been established by an instrument governed by the national law of the country concerned and that its head office is located in an eligible country.

The Consortium shall altogether represent the EU and EU Member States' policies and operational practices relevant to border management and be composed in such a way as to allow for the best achievement of the intervention's objectives and expected results in the most efficient manner.

Each member of the Consortium will have a precise and clearly identified role. Their role should be in line with their experience in Latin America or the EU.

The EU will conclude a single contract (PAGODA/Contribution Agreement) with the lead member of the Consortium. This is however of no prejudice to the obligation of all members to actively contribute to the implementation of the intervention.

The Consortium will implement the intervention in close cooperation with the counterparts and relevant stakeholders. A Steering Committee and Management Committee will ensure the sound management and coordination of the intervention.

### **2.1.2. Grant beneficiaries and Contractors**

Outside the Consortium, other entities may be involved in the implementation of the intervention, such as grant beneficiaries or contractors.

#### ***Grant beneficiaries***

The Applicant-Consortium leader may also contract parts of the Action to grant beneficiaries, in accordance with the provisions of the General Conditions of PAGODA/Contribution Agreements.

The implementation of the action may require financial support to third parties ("sub-grants") in order to support the achievement of the objectives of the Action. As the case may be, the Full Application shall include a list and description of the types of activity that may be eligible for sub-grants, together with the criteria for the selection of the beneficiaries of these sub-grants.

#### ***Contractors***

The awarded entity will be allowed to sign procurement contracts for works, supplies or services. Selection of contractors is subject to the procurement rules set out in the PAGODA/Contribution Agreement.

### **2.1.3. Selection criteria**

The Contracting Authority will assess the applications according to the following selection criteria (see Annex 3 - Selection Grid"):

- Experience and capacity of the consortium in integrated border management projects inside and outside Europe
- Capacity to manage activities corresponding in scale and complexity with those for which the contract is made available;
- Capacity to deploy the necessary human resources, including to mobilise short-term experts from EU administrations in the beneficiary countries and the EU
- Involvement of different EU Member States' organisations, demonstrating complementary EU policies and practices relevant to border management
- Existence of a network of technical offices in the different countries where the action should take place will be considered an added value
- Extent of the European Union visibility provided by the organisation in other EU-funded programmes.

## **2.1.4. Eligible activities**

### **Definition**

The required indicative activities are outlined in Annex 1.

Following the assessment of the Expressions of Interest, the pre-selected Consortium will be invited to submit a detailed description of the activities in coordination with partners benefiting from the intervention. Those activities may slightly vary from those indicated in the Annex 1; however, major deviations will be considered ineligible.

While preparing the set of activities and in order to avoid overlaps, synergies should be sought with on-going EU-funded Programmes implemented at regional and national level and with other donors' initiatives in the field.

### **Location**

Activities will be implemented primarily in the selected border areas, with some of them taking place in the capitals of beneficiary countries.

### **Number of Expression of interest per applicant**

The applicant may not submit more than one expression of interest as lead applicant under this call.

The applicant may be partner in (an)other expression(s) of interest at the same time.

A partner may submit more than one application under this call for expression of interest.

## **2.1.5. Eligibility of costs: costs that can be included**

The applicant, once invited to submit the full application, will have to elaborate and submit a budget for the intervention in compliance with the following requirements.

Only "eligible costs" can be covered by a PAGODA/Contribution Agreement. The categories of costs that are eligible and non-eligible are indicated below. The budget is both a cost estimate and a ceiling for "eligible costs".

The reimbursement of eligible costs will be based on actual costs incurred by the applicants

Recommendations to award the PAGODA/Contribution Agreement are always subject to the condition that the checks preceding the signing of the contract do not reveal problems requiring changes to the budget (such as arithmetical errors, inaccuracies, unrealistic costs and ineligible costs). The checks may give rise to requests for clarification and may lead the Contracting Authority to impose modifications or reductions to address such mistakes or inaccuracies. It is therefore in the applicant's interest to provide a **realistic and cost-effective budget**.

### **Eligible direct costs**

To be eligible under the Contract, costs must comply with the provisions of Article 18 of the General Conditions to the standard PAGODA/Contribution Agreement.

### **Contingency reserve**

The budget may include a contingency reserve not exceeding 5 % of the estimated direct eligible costs. It can only be used with the **prior written authorisation** of the Contracting Authority.

### **Eligible indirect costs**

The indirect costs incurred in carrying out the action may be eligible for flat-rate funding, but the total must not exceed 7 % of the estimated total eligible direct costs. Indirect costs are eligible provided that they do not include costs assigned to another budget heading in the standard Contract. The applicant may be asked to justify the percentage requested before the contract is signed. However, once the flat rate has been fixed in the special conditions of the standard Contract, no supporting documents need to be provided.

If any of the applicants is in receipt of an operating grant financed by the EU, it may not claim indirect costs on its incurred costs within the proposed budget for the action.

### Ineligible costs

Ineligible costs are detailed in Article 18.4 of the General Conditions to the standard PAGODA/Contribution Agreement. Those include, inter alia, the following categories of costs:

- debts and debt service charges (interest);
- provisions for losses or potential future liabilities;
- costs declared under another agreement financed by the European Union budget (including through the European Development Fund);
- purchases of land or buildings, except where necessary for the direct implementation of the action, in which case ownership must be transferred to the final beneficiaries and/or local Beneficiary(ies), at the latest at the end of the action;
- duties, taxes and charges, including VAT, that are recoverable/deductible by the Organisation;
- banking charges for the transfers from and to the Contracting Authority

## **2.2. HOW TO APPLY AND THE PROCEDURES TO FOLLOW**

### **2.2.1. Procedure**

The award procedure consists of three stages: a) Submission of Expression of Interest; b) Submission of Full Application; c) Contracting.

#### **a) Expression of Interest**

At this initial stage of the procedure, addressees of this CEI are invited to express only their interest by filling out **Annex 2** of these Guidelines.

Each member of the Consortium will fill in Annex 2 (EoI), regardless of its status (Lead applicant or partner). Therefore, each application will be composed of several expressions of interest, i.e. one per Consortium member.

Applicants/partners are requested to **objectively assess** their human resources, technical and management capacity and to select the position that will best fit their profile (applicant/partner, i.e Consortium leader /implementing partner). An initial eligibility check will be performed according to the criteria in article 2.1.1. Furthermore, interested entities will be assessed according to their technical, administrative and financial resources necessary to implement/participate in this intervention. The questions in part "Additional Comments and Clarifications" at the end of Annex 2 will also contribute to a model structure of the Consortium.

In case that more than one consortium submits an application under this call, the Contracting Authority will proceed as described in the "Selection grid" (Annex 3).

#### **b) Submission of Full Application**

Once the applicant - leading member of the Consortium has been pre-selected, it will be sent the relevant forms and annexes together with an invitation letter to submit the Full Application. The Full Application shall contain the following elements:

- i) Application Form, comprising a detailed formulation of planned activities, methodology, timeline of activities with main milestones to be achieved, and completed logical framework. The methodology shall allow a sufficient understanding of the proposed approach and coordination of activities within the Consortium and with the concerned authorities.
- ii) Scheme of the Consortium's structure, containing definition of technical responsibilities of each member of the Consortium, as well as internal management, communication and monitoring strategy.
- iii) Activity-based budget following the standard format for budget of the EU external assistance projects and split firstly per components, then per individual activities, and then broken down to detailed items (e.g. per diems, travel, venue of the event, etc).

The application must be written in English. The applicant(s) should take into account that **the working language of this contract will be English** and that all technical, financial and administrative documents must be elaborated and delivered in English.

The Full Application will be examined with regard to the objectives, requirements and eligibility criteria set out in these Guidelines, taking into account the relevance of the activities, methodology of their implementation, expected impact, sustainability and cost-effectiveness.

The applicant and its partners will be re-examined for their financial and operational capacities to ensure that they have sufficient financial and technical capacities to carry out their activities.

If it appears that the applicant and its partners do not meet the eligibility criteria, they will have to be excluded from the Consortium.

Based on the examination of the Full Application and if necessary, the Contracting Authority will enter into negotiations with the applicant in order to further improve the design of the action from operational and financial points of view.

The European Commission's unit in charge reserves the right to play an active role in preparing the content and modalities of implementation of the "Support to Integrated Border Management in Latin America – EUROFRONT".

### c) **Contracting**

Once all possible issues have been cleared, a PAGODA/Contribution Agreement will be signed with the lead applicant on behalf of the consortium.

The Contracting Authority reserves the right not to award the contract for any reason without the applicants, partners or any other entities or persons involved being entitled to claim compensation.

#### **2.2.2. Where and how to send Application**

##### a) **Expression of Interest**

Expressions of Interest must be submitted using the template provided in Annex 2 and should be sent by e-mail to [europeaid-g2-1@ec.europa.eu](mailto:europeaid-g2-1@ec.europa.eu), by 26 April 2019. The subject of the e-mail shall be titled: "EUROFRONT - Expression of Interest".

##### b) **Full Application**

The Full Application will have to be submitted by e-mail to the mailbox by the deadline set in the invitation letter.

### **2.2.3. Indicative Timetable and Deadlines**

	<b>Date/Deadline</b>
Invitation to submit Expression of Interest	Mid-March, 2019
Deadline for requesting clarifications to the Contracting Authority	April 5, 2019
Last date on which clarifications are issued by the Contracting Authority	April 15, 2019
<b>Submission of Expression of Interest</b>	<b>April 26 , 2019</b>
Submission of Full Application*	June 2019
Contract Signature	September, 2019
Start of Implementation	October, 2019

\*the exact deadline will be communicated with the invitation to submit a full application.

In any event, the EU reserves the right to dispatch corrigenda to the present Guidelines should the need arise. This indicative timetable may be updated by the European Commission during the procedure if necessary. In such a case, the updated timetable will be notified via email to the EU Member States that have shown their interest.

### **2.2.4. Further information about the Procedure**

Questions may be sent by e-mail no later than 21 days before the deadline for the submission of Expression of Interest to [europeaid-g2-1@eeas.europa.eu](mailto:europeaid-g2-1@eeas.europa.eu).

The subject of the e-mail shall be titled: "EUROFRONT - Questions".

Contracting Authority has no obligation to provide further clarifications to the questions received after this date.

Replies will be given no later than 11 days before the deadline for submission of the expression of interest.

Questions and answers that may be relevant to all applicants will be dispatched to all of them. To ensure equal treatment of applicants, the contracting authority cannot give a prior opinion on the eligibility of the lead applicant, the partners or of specific activities.

## **2.3. SUBMISSION OF SUPPORTING DOCUMENTS**

**At the stage of the full application**, the applicant will be requested to supply the below mentioned documents in order to allow the Contracting Authority to verify the eligibility of the applicant and its partners:

1. The statutes or articles of association of the applicant and its partners<sup>17</sup>.
2. An external audit report produced by an approved auditor, certifying the applicant's accounts for the last financial year available. This obligation does not apply to public entities.
3. A copy of the applicant's latest accounts (the profit and loss account and the balance sheet for the last financial year for which the accounts have been closed).

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<sup>17</sup> Where applicant is a public body created by a law, a copy of the said law must be provided.

4. Legal entity sheets duly completed and signed by the applicant and each of the partners, accompanied by the justifying documents requested there. If the applicants or partners have already signed a contract with the Contracting Authority, instead of the legal entity sheet and supporting documents requested in the sheet, the legal entity number may be provided, unless a change in legal status occurred in the meantime.
5. A financial identification form of the applicant certified by the bank to which the payments will be made. This bank should be located in the country where the applicant is established. If the applicant has already submitted a financial identification form in the past for a contract where the European Commission was in charge of the payments and intends to use the same bank account, a copy of the previous financial identification form may be provided instead.

#### **2.4. CONDITIONS FOR IMPLEMENTATION AFTER THE CONTRACTING AUTHORITY'S DECISION TO AWARD A PAGODA/CONTRIBUTION AGREEMENT**

Following the decision to award a PAGODA/Contribution Agreement, the applicant will be offered a contract based on the Contracting Authority's standard PAGODA/Contribution Agreement. By signing the Full Application form, the applicant agrees, if awarded a contract, to accept the contractual conditions of the PAGODA/Contribution Agreement.

### **3. LIST OF ANNEXES**

#### **DOCUMENTS ATTACHED TO THESE GUIDELINES**

Annex 1: Description of the programme EUROFRONT

Annex 2: Expression of Interest

Annex 3: Selection Grid