Request for Proposal:
Working Group on Anti-Impunity Mechanisms in Latin America

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Request for Proposal:
Working Group on Hybrid Investigative Mechanisms in Latin America and the Caribbean

Bid Timetable

The ABA will make every effort to adhere to the following schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsibility</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP submitted for posting on the ABA website and distributed via e-mail to selected bidders.</td>
<td>ABA</td>
<td>October 2, 2020</td>
</tr>
<tr>
<td>Deadline for unsolicited bidders who located this RFP on the ABA website to submit clarifying questions to Emma Watson, <a href="mailto:emma.watson@americanbar.org">emma.watson@americanbar.org</a></td>
<td>Unsolicited Bidders</td>
<td>October 14, 2020</td>
</tr>
<tr>
<td>Deadline to submit clarifying questions via e-mail to Emma Watson, <a href="mailto:emma.watson@americanbar.org">emma.watson@americanbar.org</a></td>
<td>Bidders</td>
<td>October 14, 2020</td>
</tr>
<tr>
<td>Deadline to answer clarifying questions.</td>
<td>ABA</td>
<td>October 16, 2020</td>
</tr>
<tr>
<td>Proposals must be submitted electronically to Emma Watson at <a href="mailto:emma.watson@americanbar.org">emma.watson@americanbar.org</a> by 5:00 PM EDT.</td>
<td>Bidders</td>
<td>October 23, 2020</td>
</tr>
<tr>
<td>Review is completed and finalists are notified.</td>
<td>ABA</td>
<td>October 30, 2020</td>
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1.0 General Information

1.1 Purpose. The American Bar Association Center for Human Rights (CHR), under the ABA’s Fund for Justice and Education, provides assistance to human rights defenders that face retaliation for their work. ABA CHR seeks to establish a working group to analyze hybrid investigative mechanisms in Latin America and the Caribbean and generate tools for renewed implementation of these mechanisms.

This request for proposal (RFP) is to establish a preferred provider for a contract for the above services. The goal is to provide to those companies interested in submitting proposals (“Bidders”) sufficient information to answer the RFP questions.
1.2 Issuing Department. The Center for Human Rights has issued this RFP on behalf of the American Bar Association. The sole point of contact in the ABA for this RFP shall be:

Emma Watson
1050 Connecticut Ave NW, Washington DC, 20036.
emma.watson@americanbar.org

Please refer all inquiries to Emma Watson, emma.watson@americanbar.org

1.3 Problem Statement or Type of Goods Required.

The American Bar Association Center for Human Rights (CHR) is undertaking a project to examine the efforts of investigative mechanisms established to combat impunity for gross human rights violations and related corruption in Latin America and the Caribbean. These investigative mechanisms—including specialized domestic units, international bodies, and hybrid mechanisms—have been created to address the failure of states to investigate and prosecute grave crimes. They include the International Commission against Impunity in Guatemala (CICIG), the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), and the Independent Group of International Experts (GIIE). To achieve the goals of this project, ABA CHR seeks to establish an expert working group to analyze the work of past mechanisms and recommend means of continuing these efforts through new initiatives. Responsibilities of the working group are explained in detail in Section 4.0 of this Request for Proposals.

1.4 Type of Contract. The contract needs to comply with the ABA Contract Policy and will be reviewed by the ABA’s General Counsel’s Office. ABA entities do not have separate legal standing to enter into oral or written contracts in their own names. All contracts are entered into on behalf of the American Bar Association. ABA CHR, in its sole discretion, may undertake negotiations with Bidders whose proposal, in its’ judgment, show them to be qualified, responsible and capable of performing the project or providing the goods. ABA CHR has the right to select the number of final bidders and the right to use one or more companies to meet its requirements. Only staff authorized by the ABA Executive Director and Chief Operating Officer has authority to execute contractual agreements on behalf of the ABA.

1.5 Rejection of Proposals. The American Bar Association reserves the right, in their sole and complete discretion, to reject any proposal received because of this RFP. ABA reserves the right to reject all offers, to waive technicalities, and to pursue procurement in a manner that is in the best interests of the organization.

1.6 Incurring Costs. The ABA is not liable for any costs the Bidder incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of the award of the contract.

1.7 Pre-proposal Conference. There will be no pre-proposal conference.

1.8 Questions & Answers. If a Bidder has any questions regarding this RFP, the Bidder must submit the questions by email to the issuing employee named in Section 1.2 of the RFP. Questions should be submitted no later than the date indicated on the Bid Timetable. The Bidder shall not attempt to contact the issuing employee by any other means.

1.9 Response Date. To be considered for selection, electronic submissions must arrive to the issuing employee on the date specified in the RFP Bid Timetable. Bidders who send proposals by mail or other delivery service should allow sufficient delivery time to ensure timely receipt of their proposals.
1.10 Proposals. To be considered, Bidders should submit a complete electronic response to this RFP, using the format provided in Section 2.0. In addition to any paper copies of the proposal, Bidders must submit one complete and exact electronic copy of the proposal via e-mail. The Bidder shall make no other distribution of its proposal to any other Bidder or ABA employee or ABA consultant. An official authorized to bind the Bidder to its provisions must sign the proposal in Appendix A. For this RFP, the proposal must remain valid for 120 days taking into consideration time required for evaluation of proposals and processing of the contract or until a contract is fully executed. If the Issuing employee selects the Bidder’s proposal for award, the contents of the selected Bidder’s proposal will become, except to the extent the contents are changed through Best and Final Offers or negotiations, contractual obligations.

1.11 Minority, Women and Disadvantaged Business Information: The ABA encourages participation by minority, women, and small disadvantaged and disabled veteran businesses as prime contractors, joint ventures, and subcontractors/suppliers. MWBE Businesses are businesses that are owned or controlled by a Minority and Women owned business that have a 51% ownership. The Bidder must provide documentation from a certifying agency, state and federal certification that they are a certified minority or women owned business.

1.12 Discussions for Clarification. Bidders may be required to make an oral or written clarification of their proposals to the issuing employee to ensure thorough mutual understanding and Bidder responsiveness to the solicitation requirements. The issuing employee will initiate requests for clarification.

1.13 Prime Contractor Responsibilities. The contract will require the selected Bidder to assume responsibility for all services offered in its proposal whether it produces them itself or by subcontract. The issuing employee will consider the selected Bidder to be the sole point of contact with regard to contractual matters.

1.14 Proposal Contents. Bidders should not label proposal submissions as confidential or proprietary. The issuing employee will hold all proposals in confidence and will not reveal or discuss any proposal with competitors for the contract, unless disclosure is required:

a. Under the provisions of any State or United States statute or regulation; or

b. By rule or order of any court of competent jurisdiction.

All material submitted with the proposal becomes the property of the ABA and may be returned only at the issuing employee’s option. The issuing employee, in its sole discretion, may include any person other than competing Bidders on its proposal evaluation committee. The issuing employee has the right to use any or all ideas presented in any proposal regardless of whether the proposal becomes part of a contract.

1.15 Best and Final Offers. The issuing employee reserves the right to conduct discussions with Bidders for obtaining “best and final offers.” To obtain best and final offers from Bidders, the issuing department may do one or more of the following: enter into pre-selection negotiations, including schedule oral presentations and request revised proposals.

1.16 Term of Contract. The term of the contract will be for a six-month period from approximately December 15, 2020 until June 15, 2021. The final contract may contain language extending the agreement by one year with mutual agreement of the parties. The issuing employee will fix the effective date after the contract has been fully executed by the selected Bidder and by the ABA. The selected
Bidder shall not start the performance of any work prior to the effective date of the executed contract and the ABA shall not be liable to pay the selected Bidder for any service or work performed or expenses incurred before the effective date of the contract.

The contract is not considered approved until the terms have been reviewed and approved by the Office of General Counsel. An “American Bar Association Office of General Counsel” approval seal will appear on the contract with the signature of the attorney approving the terms of the contract.

1.17 Use of Electronic Versions of this RFP. This RFP is being made available by electronic means. If a Bidder electronically accepts the RFP, the Bidder acknowledges and accepts full responsibility to insure that no changes are made to the RFP.

2.0 Proposal Requirements

Bidders must submit their proposals in the format outlined below in Appendixes A - C. To be considered, the proposal must respond to every requirement in this part of the RFP. Bidders should provide any extraneous information only as a separate attachment to their proposal.

2.1 Statement of the Problem or Goods Required. Briefly state your understanding of the problem presented, services required by this RFP and any unique capabilities that you and/or organization/company has to deliver these services.

2.2 Proposed Solution and Approach. Describe your solution in detail for accomplishing the work as specified in Section 4.0 of this document.

2.3 Evaluative Questionnaire (See Appendix B). Bidders must fully answer all questions listed in Appendix B.

2.4 Price Submittal (See Appendix C). Bidders must not include any assumptions in their price submittals. If the Bidder includes assumptions in its price submittal, the Issuing employee may reject the proposal. All direct pricing information must be submitted in C.

3.0 Criteria for Selection Proposal Requirements

3.1 Mandatory Responsiveness Requirements. To be eligible for selection, a proposal must:

   a. Be received according to dates set in the Bid Timetable;
   b. Be properly signed by a representative of the Bidder who is eligible to bind them in contract with the ABA;
   c. Be in accordance with all instructions as set forth in Sections 1 and 2.

3.2 Technical Nonconforming Proposals. The Issuing employee reserves the right, in its sole discretion, to waive technical or immaterial nonconformities in a Bidder’s proposal.

3.3 Evaluative Questionnaire, See Appendix B. The Evaluative questionnaire consists of 6 questions – bidders should complete all questions.
3.4 Criteria for Selection. The following criteria will be used, in no particular order, in evaluating each proposal:

a. Project cost
b. Project timeline
c. Capability of working with sensitive and confidential work product
d. Expertise, including prior experience working in and/or researching anti-impunity mechanisms in Latin America
e. Stature in the region, including ability to identify and recruit key decision makers in the region as working group members

4.0 Specifications and Work Statement

4.1 Objectives.
The American Bar Association Center for Human Rights (CHR) is undertaking a project to examine the efforts of anti-impunity mechanisms throughout Latin America and the Caribbean, including specialized national investigative bodies, international mechanisms, and hybrid mechanisms, such as the International Commission against Impunity in Guatemala (CICIG), the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), and the Independent Group of International Experts (GIIE). These mechanisms were created to address the failure of states to investigate gross human rights violations and related corruption. To achieve the goals of this project, CHR seeks to convene an expert working group.

The objective of the project is to design options for addressing the issue of impunity in states where elements of the justice sector have been captured or otherwise compromised by illicit networks, as often occurs in post-conflict settings and/or countries afflicted by high rates of transnational crime. In such circumstances, traditional legal reform and capacity building programs are largely ineffective due to the lack of independence of the justice sector. Until such a time that the independence of the justice sector is re-established, states often need the assistance of the international community in protecting local justice sector personnel and/or conducting independent investigations of corruption within the highest levels of government.

The project will review the work of past mechanisms to identify lessons learned, including with regard to their legal frameworks, collaboration with local counterparts, and strategic approaches. Based on this review, the project will recommend options for the international community and individual states to establish anti-impunity mechanisms to address the ongoing problem of state capture. This may include judicial protection mechanisms, embedded advisors, vetting programs, and the development of independent investigative capabilities within international bodies.

To achieve the goals of this project, CHR seeks to convene an expert working group composed of 12 members selected due to the depth of their experience in or with international investigative mechanisms. The project must include an examination of the work of CICIG but may also include an examination of MACCIH or GIIE. The members of the working group will be representative of different institutional experiences and may include judges, prosecutors, personnel of international investigative mechanisms, civil society leaders, international organizations, academic institutions, and policy institutes. The selected applicant will be responsible for convening members of the working group, in consultation with and approval from ABA CHR.

Members of the working group will be expected to undertake the following analysis within a 6-month term from approximately December 15, 2020 until June 15, 2021:
1. Identify and evaluate: the determining factors of the success of the investigative mechanism(s); the difficulties and obstacles it encountered in developing activities and achieving its goals; and, the level of success in achieving the optimal conclusion of its mandate: the dismantling of clandestine and parastatal groups that promote impunity.

2. Examine the legal framework under which the investigative mechanism(s) operated, its specific legal structure, its powers, governance and form of operating in general.

3. Evaluate particular cases that illustrate internal and external success factors and those which prevented the fulfillment of its purposes.

4. Analyze areas including but not limited to: the creation of the investigative mechanism; its organization, term and functional independence; its relationship with the United Nations (UN) or Organization of American States (OAS) and with other members of the international community; its financing; the type of cases it undertook and obstacles to judicial independence that may have prevented the success of its efforts; and its handling of public relations and the media.

Upon conclusion of the above analysis, the working group will prepare a report with its analysis, findings and recommendations. This report will be distributed to key decision makers in relevant states and international organizations interested in the eradication of corruption and impunity. Bidders should include a proposed plan for distribution and follow-on advocacy. Proposals may be submitted in English or Spanish.

4.2 Nature and Scope of the Work needed by the ABA. The ABA requests bidders to, in Appendix B, describe their process to meet project objectives described in Section 4.1, including their approach to problems presented and methodology for achieving expected outcomes of the working group.

4.3 Requirements. As described in Section 3.4 Criteria for Selection, the Association is focused on the following characteristics of the successful Bidder:

   a. Project cost
   b. Project timeline
   c. Capability of working with sensitive and confidential work product
   d. Expertise, including prior experience working on and/or researching anti-impunity mechanisms in Latin America
   e. Stature in the region, including ability to identify and recruit key decision makers in the region as working group members

4.4 Reports and Project Control. The ABA seeks bidders with a demonstrated ability to maintain timelines and regular contact with the program staff at ABA CHR who handles the Latin America and the Caribbean portfolio.

Thank you for your interest in working with the American Bar Association.
### Bidder Information:

<table>
<thead>
<tr>
<th>Bidder Name</th>
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<tbody>
<tr>
<td>Bidder Mailing Address</td>
<td></td>
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<tr>
<td>Bidder Website  (if applicable)</td>
<td></td>
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<tr>
<td>Bidder Contact Person</td>
<td></td>
</tr>
<tr>
<td>Contact Person’s Phone Number</td>
<td></td>
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<tr>
<td>Contact Person’s Email Address</td>
<td></td>
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<tr>
<td>Bidder Federal ID Number  (If DBA in the U.S.)</td>
<td></td>
</tr>
</tbody>
</table>

### Signature

<table>
<thead>
<tr>
<th>Signature of an official authorized to bind the Bidder to the provisions contained in the Bidder’s proposal:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Printed Name</td>
<td></td>
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<tr>
<td>Title</td>
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Failure to complete, sign, and return this form with the bidder’s proposal may result in the rejection of the bidder’s proposal.
Appendix B – Evaluative Questionnaire

Statement of the Problem or Goods Required.
State your understanding of the problem presented, services required by this RFP and any unique capabilities that you (your organization) has to deliver these services.

Proposed Solution and Approach.
Describe your solution in detail for accomplishing the work as specified in Section 4.0 of this document.

Please respond to each question below.

1. Please describe in detail your (your organization’s) prior experience working in and/or researching anti-impunity mechanisms in Latin America.

2. How will you (your organization) identify and recruit key decision makers in the region to serve as members of the working group?

3. Please describe your (your organization’s) distribution plan of the working group final report including potential advocacy targets.

4. Please describe you (your organization’s) plan for continuing advocacy efforts after the culmination of the project.

5. How do(es) you (your organization) handle confidential work product?

6. Are you a certified Minority, Women or Disadvantaged Business?

Appendix C – Price Submittal

Please prepare a detailed project budget according to the expected activities and deliverables as described in Section 4.0