**Terms of Reference**

**Anti Bribery Protocols to reduce Corruption in Mexico**

**Mexico Prosperity Fund Programme**

## SUMMARY OF REQUIREMENT

1. The Foreign and Commonwealth Office (FCO) seeks to appoint one supplier to deliver Anti-Bribery Protocols for Mexico. These protocols should include UK best practices. The supplier is expected to provide public policy recommendations, expert analysis and other logistic arrangements as described in detail in section 10 for the implementation of year 2 (FY17-18) Cross Whitehall Prosperity Fund activity in Mexico entitled **Business Environment**.

## INTRODUCTION

1. In 2015, the UK government’s **Strategic Defence and Security Review** announced a £1.3billi**on cross-government Prosperity Fund (PF)** to run over five years (2016/17 to 2020/21). Its primary purpose is to promote the economic reform and development needed for growth in partner countries, in accordance with Overseas Development Assistance (ODA) rules, the UK’s International Development Act (2002), and the Gender Equality Act (2014).The Fund’s secondary objective is to open up opportunities for which business, including UK businesses, can compete. The UK government is looking to identify and support programmes that meet both the Fund’s primary and secondary objectives. The Prosperity Fund will focus on sectors and countries where there is clear potential for high-impact work. In Mexico the focus for the PF is in the sectors of Energy, Future Cities, Financial Services and Business Environment.
2. The purpose of this service is to provide the services described in section 10 that will contribute to the development and successful delivery of Prosperity Fund programme. This will improve the Business Environment, particularly Rule of Law, and will facilitate Mexico’s economic growth and open opportunities for business, including UK business, with relevant capabilities. This programme aims to contribute to the following outcomes:
3. More transparent justice and anti-corruption system in which users have more confidence.
4. Fairer justice and anti-corruption system which supports fair and equal application of prevention investigation and prosecution measures.
5. More efficient processing and prosecuting of crime and corruption cases.

## Please see annex 1 for additional context of the Prosperity Fund and the Business Environment strand in Mexico.

## OBJECTIVE

1. Within the Business Environment strand we are working to identify where our interventions will have the most added value in years to come. As part of this we are considering how to support the development of Anti-Bribery compliance mechanisms in Mexico.
2. The objective of this works is to select the scope of the portfolio for future years on the basis of its ability to deliver growth and economic opportunities within Mexico, open opportunities for businesses (including British businesses), and fit with the suggested PF Theory of Change. See annex 1.
3. In order to achieve the objective, the supplier must focus its interventions on the development and facilitation of improvements to the business environment. The supplier must collaborate with the British Embassy in Mexico City and the Government of Mexico to identify and reach agreement on interventions that will have the greatest potential impact on the improvement of the sectors above. These interventions may be (but not limited to) in the form of policy reforms, improved implementation of reforms, or the introduction of new processes or practices that improve the conditions for public service in Mexico.
4. The supplier must also maintain a focus on strengthening the capacities of key Mexican government actors to be able to successfully implement the business environment improvements that have been targeted.
5. The supplier must include in their proposal how delivery against the outputs below will be measured. The British Embassy in Mexico City must approve the targets prior to beginning any interventions during the implementation of the contract.

## OUTPUTS / DELIVERABLES

1. There are four specific outputs that the selected supplier is expected to deliver:
2. Design a proposal of Anti-Bribery Protocols for Mexico in coordination with the Ministry for Public Administration (Secretaria de la Función Publica) and the Technical Secretariat of the National Anti-Corruption System (NACS) complying with international best practices and UK’s recommendations.
3. A report that analyzes the implementation status of the recommendations originated from previous visits and reports funded by the Prosperity Fund in 2015, 2016 & 2017 related to Anti-Bribery, Customs and Business Compliance. These will be provided by the British Embassy in Mexico to the successful supplier.
4. A visit of 4 experts from the Serious Fraud Office and the National Crime Agency to share British best practices with Mexico on anti-bribery (all travel expenses & logistics and programme arrangements). Names will be provided by the British Embassy to the successful provider.
5. Develop an integrity and anti-corruption compliance guide/mechanism for customs in Mexico.

**METHODOLOGY**

1. Interested parties are asked to tender a methodology outline of how they would deliver the above mentioned services, both on a theoretical and practical basis. That may include – but not limited to - desk and field research, stakeholder consultations in Mexico and UK, reports with policy recommendations and proposals of training modules when needed, etc.
2. The supplier will be expected to engage with other Whitehall departments, notably Ministry of Justice, National Crime Agency, Cabinet Office and Department for International Trade, as well as devolved administrations, where applicable, in Scotland, Wales and Northern Ireland, to determine complementarities to existing policies and initiatives.

**PROCESS AND TIMEFRAME**

1. The British Embassy in Mexico City requires completion of the service by 25 March 2018 as follows:

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| --- | --- |
| **Activity** | **Deadline** |
| ITT to prospective Organisations | **16 January 2017** |
| Last day of questions from bidders on the ITT | **21 January 2018** |
| ITT response | **28 January 2018** |
| Announcement of awarded bid | **31 January 2018** |
| Contract Award | **1February 2018** |

1. Questions from bidders should be submitted to [Ukinmexico.ccep@fco.gov.uk](mailto:Ukinmexico.ccep@fco.gov.uk) considering the deadline above.
2. Proposals should be submitted to the following email address no later than 4 February, 2018 at 11.59 PM (UTC-6). [Ukinmexico.ccep@fco.gov.uk](mailto:Ukinmexico.ccep@fco.gov.uk)
3. Your proposal shall be sent into two separate files under Subject Line “Ant-bribery Mexico”  
   1. Technical proposal  
   2. Economic proposal
4. Proposals will be scored considering the evaluation criteria advertised in this ITT.
5. A project kick-off workshop with HMG stakeholders will be used to establish a shared understanding of the project goals and methodology, and to clarify key knowledge gaps. This should result in an updated work-plan within one week of this meeting being held. The approval of this updated work plan by the British Embassy Programme team will provide the basis for the commencement of the activities agreed in said work plan and their subsequent payment.

**MONITORING, REPORTING, EVALUATION AND LEARNING (MREL)**

1. The Authority will require successful suppliers to engage constructively with contractor(s) appointed to deliver the Cross Whitehall Prosperity Fund Monitoring, Reporting, Evaluation and Learning (MREL) contract to ensure data flows and evaluations are captured effectively.

**SKILLS AND COMPETENCES**

1. The supplier(s) will have:
2. Experience of working with government departments and/or other bilateral and multilateral organisations as well as civil society and private sector interlocutors;
3. Demonstrated ability to provide operational support services; experience of recruiting and managing local staff (including interpreters) and ensuring that they, and any related equipment is safely operated, maintained and accounted for; and the ability to demonstrate appropriate cultural awareness, sensitivity and a partnership approach, adapting concepts and materials to local needs and audiences. There is also a need to provide demonstrable experience of political stakeholder engagement, management and influence.
4. Demonstrable ability to work in a gender sensitive way – i.e. to recognise opportunities to address gender inequality and support women’s economic empowerment through programme design and monitoring or at a very minimum ensuring that gender inequalities are not exacerbated. Demonstrate ability to collaborate effectively with UK and overseas governments and local partners in support of the Sustainable Development Goals.
5. Demonstrable experience of delivering ODA programming, including ensuring compliance with the UK’s International Development Act (2002) and the (2014) Gender Equality Act.
6. A strong track record of conducting research, analysing data and preparing and publishing comprehensive reports combined with very good communication and presentation skills;
7. A strong track record of work in open data and digital platforms
8. A strong track record in event planning; stakeholder management, agenda, logistics, etc
9. Ability to work in a complex political, economic and social environment with minimal supervision; and
10. Ability to work in Spanish and English.

**REPORTING STRUCTURE, LOGISTICS AND OTHER ARRANGEMENTS**

1. The supplier will report to the FCO’s Programme Team at the British Embassy Mexico City. The supplier will also appoint a member of staff to liaise with the FCO’s Programme Team for Mexico on contract management issues. We expect to hold regular progress meetings with the Programme team and policy leads at the British Embassy in which suppliers are expected to raise any issues.
2. In terms of logistics, the supplier will work independently in setting up their own meetings with key stakeholders, arranging logistics etc. Where appropriate, the FCO’s Programme Team at the British Embassy Mexico City may assist in accessing government agencies, other donors, intergovernmental organisations, or other key, senior stakeholders if this should prove necessary. The decision of when to accompany the supplier to meetings will be taken by the Programme team at the British Embassy in Mexico.

**BUDGET**

1. The maximum budget for the service, covered under these terms of reference, will be no more than £24,900.00
2. The supplier will propose the overall budget for this work, which must be inclusive of all applicable taxes, overheads and travel costs for any field visits. Bidders are expected to show value for money and not reach the budget ceiling if costs can be lower. The supplier will be paid on the delivery of each output.

**DUTY OF CARE**

1. The Supplier is responsible for the safety and well-being of their Personnel and Third Parties affected by their activities under this Contract, including appropriate security arrangements. They will also be responsible for the provision of suitable security arrangements for their domestic and business property.
2. The implementing partner is responsible for ensuring appropriate safety and security briefings for all of their Personnel working under this Contract and ensuring that their Personnel register and receive briefing as outlined above. Travel advice is also available on the FCO website and the implementing agency must ensure they (and their Personnel) are up to date with the latest position.
3. Service Suppliers must develop their Tender on the basis of being fully responsible for Duty of Care. They must confirm in their Tender that:
   1. They fully accept responsibility for Security and Duty of Care.
   2. They understand the potential risks and have the knowledge and experience to develop an effective risk plan.
   3. They have the capability to manage their Duty of Care responsibilities throughout the life of the contract.

**ANNEX 1**

**Background**

**Prosperity Fund**

The Mexico programme is being developed to support the overall environment for economic development and inclusive growth – e.g. policy development and strategy, strengthening the environment for business, anti-corruption, trade and regulatory reform. It also has to meaningfully consider their impact on reducing gender inequality and how to engage and harness the potential for women’s economic empowerment. As a minimum, it must ensure it does no harm and does not worsen gender discrimination. Through targeting niche interventions, the programme aims to complement the work of the Mexican government and of other donors operating in the country in the above sectors.

The Prosperity Fund programme in Mexico is focused on overcoming identified constraints to economic development where the UK has a comparative advantage. Sectors include Future Cities, Energy, Financial Services and Business Environment. By introducing British best practices and lessons learned, the programme aims to complement the work of other donors and the Mexican Government in these sectors.

**Mexico Context**

Mexico is the 15th largest economy in the world – whilst the 11th largest by purchasing power parity (PPP) – and the second largest economy in Latin America, following Brazil1. In 2016, there was a slight economic slowdown; GDP remained at 2.3% compared to 2.5% in 2015. However, whilst Mexico represents significant opportunities for growth it also has a sizeable wealth gap and significant levels of poverty. Despite having a Gross Domestic Product (GDP) of about $1.046 trillion, around half the population live in poverty (including 20 million children); with 3% of people living in extreme poverty according to the World Bank (2014), although national figures put this at a higher figure of 9.5%. Gender inequality is also an issue, since poverty disproportionately affects women and girls.

**What is the developmental problem?**

Mexico is one of Latin America’s most insecure countries. Corruption and crime are severe challenges as shown by Mexico’s ranking of 123/177 globally, and 27/32 in Latin American in the Corruptions Perception Index; and 142/163 globally and 21/ 23 in Latin America in the Global Peace Index. Mexican citizens have particularly low confidence in the criminal justice and corruption prevention agencies’ ability to prevent and investigate crime effectively. They find the system lacks transparency; does not always treat victims, witnesses and criminals fairly; and that the criminal justice and corruption prevention authorities are highly inefficient. This level of insecurity has a significant economic cost: In 2015, corruption cost Mexico $906 billion pesos, 5% of the year’s GDP; whilst the cost of crime and violence in 2015 was almost $23 billion. Solving these problems has the potential to deliver significant economic benefits for Mexico.

**PF Suggested Theory of Change**

