

Terms of reference (ToRs) for the procurement of services below the EU threshold

Legal consultancy	Project number/ cost centre: 09.9262.8-001.00
--------------------------	--

1. Context.....	2
2. Tasks to be performed by the contractor.	2
3. Qualifications and Areas of Expertise	2
4. Mandatory requirements	3
5. Technical Proposal	3
6. Period of assignment:	3
7. Confidentiality Clause	3
8. Requirements on the format of the tender	3
9. Special conditions	4
10. Submission of offer:	4

1. Context

For more than 20 years, Germany has supported the Republic of Tajikistan with development, economic and administrative reforms, and assistance in key social and economic sectors.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, working on behalf of Germany in Tajikistan, has been a partner in development cooperation with Tajikistan for many years. After the civil war, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH initially provided support in the form of emergency aid and reconstruction assistance as well as measures to safeguard food security. Today, cooperation focuses, particularly in the bilaterally agreed areas of Sustainable Economic Development and Health, on structural reforms and the attainment of longterm, sustainable improvements to benefit the people of Tajikistan.

Objectives

The objective of this consultancy is to provide upon request legal advice on various issues subject to regulation by the legislation of the Republic of Tajikistan, including on issues of civil, financial, labor and tax law.

2. Tasks to be performed by the contractor.

The successful firms and/ or individuals' scope of the assignment shall include but not limited to the following areas:

- a) Conduct legal analysis and research on various legal matters.
- b) Provide advice on different legal issues and assist in drafting legal opinions, memoranda, and other legal documents and agreements.
- c) Be actively involved in preparing and reviewing of policies and legal submissions and draft the authoritative legal opinions as well.
- d) Conduct legal research by utilizing various resources and selecting the relevant material to analyse the legal information.
- e) Assist in reviewing the legal material and any other relevant documents and identifying the most critical issues that need to be sorted out on a priority basis.
- f) Draw up formalities regarding the settlement of disputes and monitor the implementation of the legal clauses.
- g) Provision of regulatory support and legal advice relating to either or collectively with regard to emphasis to Skills Development, Labour (Employment) Relations, Tax and Finance matters.
- h) Litigation and litigation support relating to areas as identified above including any other courts of law, statutory tribunals, and other bodies.
- i) Any other legal services that Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in Tajikistan might require from time to time.

3. Qualifications and Areas of Expertise

The legal service provider must have the qualifications and experience in the following fields:

- a) Legal and Regulatory Compliance.
- b) Employment & Labour Law.
- c) Procurement law g. Sponsored, Funded / Financial terms / Insurance.

d) General dispute resolution and/ or litigation.

NOTE: The Legal Service provider MUST specify their core areas of activities and specialization.

4. Mandatory requirements

- a) Legal registration documents.
- b) Proof that the bidder has been in existence and practice for a period of at least five (5) years prior to the closing date of this request.
- c) Valid Practicing Certificate for the advocates.

5. Technical Proposal

- a) Contacts: postal address, phone, email, physical address (i.e. the lead advocates and his support staff's e-mail address and telephone) and;
- b) Letter of good standing with the relevant Law Society;
- c) Advocates Profile reflecting the following:
 - ✓ Qualifications.
 - ✓ Area(s) of service and years of experience/specialization in the identified area(s) of service.
 - ✓ Record of attendance, i.e., record of attendance and summary of two (2) complex matters attended to by the advocate(s) under the identified areas of service in the last three (3) years, records of dealing with not-for-profit organizations.
 - ✓ Proof that the lead Advocate(s) has at least five (5) years post-admission experience in the identified area(s).
 - ✓ In cases where advocate(s) has more than one area of service as recorded in paragraph 3 above, all the relevant areas of service must be recorded in the proposal together with the details of the relevant Advocate(s).

Only bidders who will meet the above-mentioned requirements will proceed to the technical.

6. Period of assignment:

from 04.12.2023 until 03.12.2024 with the possibility of an additional one-year extension.

7. Confidentiality Clause

The Contractor may come in contact with confidential information during the assignment at GIZ. As part of the condition of assignment the Contractor hereby undertake to keep in strict confidence any information regarding any partner, employee or activities of GIZ or any other organization that comes to his attention while at GIZ. The Contractor will do this in accordance with the GIZ's privacy policy and applicable laws, including those that require mandatory reporting.

8. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapters 2-5) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender

must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in Russian (language), English language is also can be applicable.

9. Special conditions

- **Note:** Proposals made for the supply of goods/services which are under sanctions or whose manufacturers/Suppliers/Service providers are under sanctions will not be considered.
Please sign the declaration (see attachments) and send it along with your price offer.
- All questions should be submitted in writing and with the subject “**Legal consultancy**” to the email address: Procurement.TJK@giz.de before **12:00 on 22nd of November 2023**.
- Bidders should not contact other GIZ personnel unless directed to do so by the GIZ representative.
- GIZ is not responsible for the failure of electronic delivery of e-mail messages to the address provided, either for technological problems on the part of GIZ or the candidate.
- This invitation to tender is in no way binding on GIZ. The GIZ’s contractual obligation commences only upon signature of the contract with the successful Tenderer.
- Up to the point of signature, GIZ may either abandon the procurement/service or cancel the award procedure, without the candidates or tenderers being entitled to claim any compensation.
- All costs incurred in preparing and submitting tenders are borne by the tenderers and cannot be reimbursed.
- All tenderers will be informed in writing on the results of this tender procedure.
- GIZ reserves the right to disqualify and reject proposals from Bidders who do not comply with these guidelines.
- The successful candidate will be required to provide additional legal documents.

10. Submission of offer:

Please send your commercial offer via E-mail to TJ_Quotation@giz.de before **17:00 of 24th of November 2023** indicating the tender number “**Legal consultancy**” in the subject of the e-mail.