
RFP (request for proposal) Legal Service

RFP #: KAB-ASMO-19-05 Consultancy Services (Legal advisory for ASMO)
Issue Date: 28th/Oct/2019
Closing Date: 18th/Nov/2019

Contents

1.	About ASMO	2
2.	Purpose:	2
3.	Contents:.....	2
3.1.	Technical:	2
3.1.1.	Company's profile:.....	2
3.1.2.	Capability statement:.....	2
3.1.3.	Experience:	Error! Bookmark not defined.
3.1.4.	License:.....	2
3.1.5.	References:	2
3.2.	Costs:.....	3
4.	Pre-Bid Submission:	3
5.	Submission Guideline:.....	3
6.	SoS (statement of service)	3
7.	Eligibility Criteria:.....	4
7.1.	Scoring:.....	4
7.1.1.	Experience records: 40 mark	4
7.1.2.	Cost: 60 marks.....	5
8.	Assurances:.....	5
8.1.	Executive Order on Terrorism Financing	5
8.2.	Prohibited Source Countries.....	5
8.3.	Anti-Human Trafficking.....	5

1. About ASMO

The Afghan Social Marketing Organization (ASMO) is a social marketing and behavioral change communication organization established in August 2008. ASMO as a free-standing, not-for-profit Afghan organization aims to create positive health outcomes by giving Afghan households the information they need to make informed and healthy choices and expanding access to high quality health products through commercial markets.

The Sustaining Health Outcomes through the Private Sector (SHOPS) Plus Project led by Abt Associates Inc. awarded Afghan Social Marketing Organization (ASMO) a project that improves the delivery of high quality family planning and maternal and child health products to target populations in Afghanistan through the private sector.

SHOPS Plus will provide technical assistance to ASMO in designing and implementing high quality social marketing interventions which leads to increased access to affordable priority health products and increased demand for priority health products and services. In addition, SHOPS Plus will collaborate with ASMO in developing a vision and roadmap for ASMO sustainability.

2. Purpose:

ASMO is soliciting proposals from qualified legal/ consulting service firms interested to provide ASMO with legal service as per SoS (statement of service) of this RFP.

3. Contents:

Proposer interested to respond/apply for, is required to produce/ complete the proposal that includes technical and cost proposals, each will have its own criteria for evaluation and assessment. Contents therefore should consist of following components:

3.1. Technical:

Technical proposal MUST include brief Executive Summary and should be supported with the following information:

3.1.1. Company's profile:

Should explain incorporation date, regulatory environment, size/structure and information about management structure.

3.1.2. Capability statement:

The statement must describe field of expertise, area of practices, level and types of services or products. The statement should also include copy of CVs for attorneys or legal staff supposed to engage in service and list of clients work with.

3.1.3. License:

Proposal should include a valid color copy of the firm's registration certificate.

3.1.4. References:

Proposer should provide in the proposal at least minimum three references that ASMO may contact them to verify the contractual relationships or obtain additional information.

3.2. Costs:

As mentioned in the preceding section, cost proposal will be evaluated and assessed separately based on cost composition and reasonableness. Cost would be considered as reasonable if it is lower compared with other offer, paid for the same or similar item or circumstance.

The proposer should include in the proposal a cost sheet to provide information on price/cost on hourly billing rate of each attorney or other legal staff who are expected to work/engage in the contract with ASMO through PO as well MoU and charges of expenses if any other than fees of legal staff or those engaged in the contract.

ASMO is flexible to accept proposal in USD and AFN. USD cost if any will be converted into AFN at daily rate of exchange that will be applied for analysis and contract will be based on approved rate.

4. Pre-Bid Submission:

ASMO will facilitate clarifying the RFP and SoS (statement of service) and will answer the questions in connection with the above. Request for facilitation should be made in written, made no later than 14th/Nov/2019 and sent to Abdul Salam Amani at asalam@asmo.org.af with Cc person Mohammad Ebrahim Heidar at ehedar@asmo.org.af and Moheb Ali Yawar at myawar@asmo.org.af.

5. Submission Guideline:

Information and documents attached with and the proposal itself must be written and produced in English or in local language if English version is not possible.

Note: Proposals and its attachments without signature, stamp and date references will be regarded as disqualified and will not be considered to enter into evaluation and assessment process.

Contents should be sealed in envelop, marked with RFP reference, addressed to: Kahlid Ahmadzai Procurement & Warehouse Manager and delivered to ASMO's main office at following address. Receipt will be confirmed and guidance for dropping the content will be available at ASMO.

Address: House # 101 ,Qala-E- Fathullah Street, Lane 1 on the right, District 10, Kabul. See the RFP attachment for direction and use Google map if needed.

6. SoS (statement of service)

The legal service provider (company) will be responsible to review ASMO documents including but not limited to the organizational bylaws, contracts with donors, service agreements, supply agreements, purchase orders, internal policies and procedures and other relevant documents and provide legal advice based on prevailing local laws, donor regulations (predominantly USAID) and best business practices. ASMO will enter into a service agreement with the legal company to provide legal services/advice to ASMO when

needed. The compensation package will be negotiated as hourly/daily rate and paid only against the legal services provided. Reports will be submitted to the ASMO Executive Director.

Key responsibilities may include but not limited to the followings:

- a) Reviews and provides legal opinion on the organizational bylaws, contracts with donors, supply agreements, purchase orders, internal policies and procedures and other relevant documents when required
- b) Reviews the draft partnership contracts, as and when required and takes necessary steps needed for completion of legal requirement for such partnership contracts
- c) Helps in interpreting laws and policies pertaining to NGO operation, if and when required
- d) Inform ASMO regarding any changes in laws and regulations governing not for profit operations in Afghanistan and propose amendments in ASMO bylaws and policy and procedures manuals accordingly.
- e) Advises on any dispute between ASMO and its donors, subcontractors, employees and suppliers
- f) Advises management in anticipating and guarding against possible legal risks facing the ASMO
- g) Ensures timely on call availability of legal services

7. Eligibility Criteria:

Proposal if not contain and include all of the following may result in disqualification.

- a) License: Should be valid at least not less than six months
- b) Capability statement: As mentioned in the sub part Technical section above.
- c) Documents: Information and documents attached to the proposal must be confirmed, signed, stamped and dated.

7.1. Scoring:

Each set of proposal will be reviewed, assessed and marked separately as following guideline:

7.1.1. Experience: 40 mark

If year of experience is five or more and area of practice covers: civil law and alternative dispute resolutions, criminal law, government policies and procedures, and business/ NGO law.

Otherwise, proposal will achieve lower mark depending on the number of years' experience.

7.1.2. Cost: 60 marks

Proposal's offer for cost reasonableness will be assessed in accordance of billing rates hourly for attorney's fees considering qualification, years of experience and charges of other expenses if any. Score will be lowered if costs in offer is not competitive and reasonable.

8. Assurances:

This RFP sets out certain donors procumbent and other regulations requirements. ASMO will not issue award to or will not engage in any contract the individuals or companies that are either involved in or are non-compliant with all of the following.

8.1. Executive Order on Terrorism Financing

Contracting company expected to be engaged in contractual relationship with ASMO should be aware that U.S. Executive Orders and U.S. law prohibits transactions with and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the company representative to ensure strict and full compliance with these Executive Order and laws.

8.2. Prohibited Source Countries

For the purpose of this work, no goods/resources to be procured/supplied from countries that are classified by USAID as 'prohibited sources' such as Cuba, Iran, Laos, North Korea, Sudan and Syria.

8.3. Anti-Human Trafficking

ASMO is committed to a work environment that is free from human trafficking, which for purposes of this policy, includes forced labor and unlawful child labor. ASMO will not tolerate or condone human trafficking in any part of organization. This policy is consistent with ASMO's Code of Ethics and Business Conduct and our core values to protect and advance human dignity and human rights in our business practices.

ASMO employees, contractors, subcontractors, vendors, suppliers, partners and others through whom ASMO conducts business must avoid complicity in any practice that constitutes trafficking in persons. Action involving, suspension and termination will be taken if vendor or contractor evidenced for non-compliant.

Trafficking for this purpose includes but not limited to the following:

Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.