



Strengthening Democratic Governance and Accountability Project (SDGAP)

Request for Proposal

SDGAP-BPA-RFP 0008

Procurement Legal Advisory Firm

Issue Date: 8 June 2018

WARNING: Prospective Bidders who have received this document from a source other than the SDGAP Project, should immediately contact SDGAPProcurement@dai.com and provide their name and mailing address in order that amendments to the RFP or other communications can be sent directly to them. Any prospective Bidder who fails to register their interest assumes complete responsibility in the event that they do not receive communications prior to the closing date. Any amendments to this solicitation will be issued and posted via email.

1. Synopsis of the Request for Proposal

DAI, implementer of the USAID funded Strengthening Democratic Governance and Accountability Project (SDGAP) in Sri Lanka, invites qualified vendors to submit Proposals to supply and deliver Legal Advisory Services, as follows:

1. RFP No.	BPA-RFP-0002
2. Issue Date	8 June 2018
3. Title	Procurement Legal Advisory Services
4. Issuing Office & Email/Physical Address for Submission of Quotes	SDGAP – Colombo SDGAPProcurementInbox@dai.com No. 4 Cambridge Terrace, Colombo 07, Sri Lanka
5.	
6. Deadline for Receipt of Quotes.	29 June 2018 5.00 pm local Colombo time
7. Point of Contact	SDGAPProcurement@dai.com
8. Anticipated Award Type	<p>DAI anticipates awarding a Blanket Purchase Agreement. This is only the anticipated type of award and may be changed as a result of negotiations.</p> <p>Issuance of this RFP in no way obligates DAI to award a subcontract or purchase order and offerors will not be reimbursed for any costs associated with the preparation of their bid.</p>
9. Basis for Award	An award will be made based on the Lowest Price, Technically Acceptable Source Selection process. The award will be issued to the responsible Offeror submitting the lowest evaluated price that meets or exceeds the acceptability requirements for technical/non-cost factors described in this RFP.

2. Request for Proposal

<p>10. General Instructions to Bidders</p>	<ul style="list-style-type: none"> • Proposal submissions are due 29 June 2018 5.00 pm local Colombo time. Late offers will be rejected except under extraordinary circumstances at DAI's discretion. • Bidders shall submit quotes in English in hard copy, in a sealed envelope, OR electronically via SDGAPProcurementInbox@dai.com email. • in case of electronically submission must be mailed with the subject line: "RFP NO. BPA-RFP- 00008, Legal Advisory Services" • Proposal shall be sealed in an envelope, and shall be clearly labeled as "RFP NO. BPA-RFP 00008, Legal Advisory Services". • Offerors shall confirm in writing that the Offeror fully understands that their quote must be valid for a period of one (1) year for the price provided (12 months from BPA signing date). • Bidders shall sign and date their Proposal. • Offeror should submit the catalogue/detailed specification of facilities and amenities (wherever required) • Bidders shall complete Attachment C: Price Schedule template. Value Added Tax (VAT) shall be included on a separate line. • These services are not eligible for VAT exemption under the DAI prime contract. • Offerors may respond with price Proposals for all or some types/categories of room sizes and facilities within their locations.
<p>11. Questions Regarding the RFQ</p>	<p>Each Bidder is responsible for reading very carefully and understanding fully the terms and conditions of this RFP. All communications regarding this solicitation are to be made solely through the Issuing Office and must be submitted via email or in writing delivered to the Issuing Office no later than the date specified above. All questions received will be compiled and answered in writing and distributed to all interested Bidders.</p>
<p>12. Technical Specifications and requirements for Technical Acceptability</p>	<ol style="list-style-type: none"> 1. DAI seeks vendors to provide Legal Advisory services for the requirements listed in Attachment A. In addition to meeting the requirements listed above, offerers are required to meet or exceed the significant non-cost factors listed throughout this RFP. 2. Please see Appendix A for details technical specifications.

	<ol style="list-style-type: none"> 3. The services delivery date will be start on an around July 1, 2018 and BPA will run for 12 months. 4. Provide a detailed list of services provided and a unit cost as requested in Attachment A: Scope of Work within Attachment C: Price Schedule. 5. Company Profile if applicable (not more than eight pages) 6. Legal Documents: Trade License, Tax Certificate, VAT registration and other legal valid Business Certificate as per the Sri Lankan government rules and regulations. 7. Past performance reference list (attachment D). 8. Location of firm in one of the following locations: Colombo
13. Determination of Responsibility	<p>DAI will not enter into any type of agreement with a vendor prior to ensuring the vendor's responsibility. When assessing a vendor's responsibility, the following factors are taken into consideration:</p> <ol style="list-style-type: none"> 1. Provide copies of the required business licenses to operate in the Sri Lanka. 2. The source, origin and nationality of the services are not from a Prohibited Country (explained below). 3. Ability to comply with required or proposed delivery or performance schedules. 4. Evidence of a DUNS number (explained below and instructions to obtain the DUNS number in Attachment E). 5. Have adequate financial resources to finance and perform the work or deliver goods or the ability to obtain financial resources without receiving advance funds from DAI. 6. Have a satisfactory past performance record. 7. Have a satisfactory record of integrity and business ethics. 8. Be qualified and eligible to perform work under applicable laws and regulations. 10. Previous working experience with SDGAP or SDGAP partners (if applicable).
14. Geographic Code	<ul style="list-style-type: none"> • Under the authorized geographic code for its contract DAI may only procure goods and services from the following countries. • Geographic Code 937: Goods and services from the United States, the cooperating country, and "Developing Countries" other than "Advanced Developing Countries"; excluding prohibited countries. A list of the "Developing Countries" as well as "Advanced Developing Countries" can be found at:

	<p>http://www.usaid.gov/policy/ads/300/310maa.pdf and http://www.usaid.gov/policy/ads/300/310mab.pdf respectively.</p> <ul style="list-style-type: none"> • DAI must verify the source, nationality and origin, of goods and services and ensure (to the fullest extent possible) that DAI does not procure any services from prohibited countries listed by the Office of Foreign Assets Control (OFAC) as sanctioned countries. The current list of countries under comprehensive sanctions include: Cuba, Iran, North Korea, Sudan, and Syria. DAI is prohibited from facilitating any transaction by a third party if that transaction would be prohibited if performed by DAI. • By submitting a quote in response to this RFP, Bidders confirm that they are not violating the Source and Nationality requirements and that the services comply with the Geographic Code and the exclusions for prohibited countries.
15. Data Universal Numbering System (DUNS)	<p>All U.S. and foreign organizations which receive first-tier subcontracts/ purchase orders with a value of \$25,000 and above are required to obtain a DUNS number prior to signing of the agreement. Organizations are exempt from this requirement if the gross income received from all sources in the previous tax year was under \$300,000. DAI requires that Bidders sign the self-certification statement if the Bidder claims exemption for this reason.</p> <p>For those required to obtain a DUNS number, you may request Attachment F: Instructions for Obtaining a DUNS Number.</p> <p>For those not required to obtain a DUNS number, you may request Attachment G: Self-Certification for Exemption from DUNS Requirement</p>
16. Compliance with Terms and Conditions	<p>Bidder shall be aware of the general terms and conditions for an award resulting from this RFP. The selected Bidder shall comply with all Representations and Certifications of Compliance listed in Attachment E.</p>
17. Procurement Ethics	<p>By submitting a Proposal, Bidders certify that they have not/will not attempt to bribe or make any payments to DAI employees in return for preference, nor have any payments with Terrorists, or groups supporting Terrorists, been attempted. Any such practice constitutes an unethical, illegal, and corrupt practice and either the Bidders or the DAI staff may report violations to the Toll-Free Ethics and Compliance Anonymous Hotline at +1 855-603-6987, via the DAI website, or via email to FPI_hotline@dai.com.</p>

2.1 Attachment A: Scope of Work

Background

Program Description

SDGAP is a three- year project (September 2016 – September 2019) that is supporting democratic governance, reform, and accountability in Sri Lanka through the strengthening of country systems and processes in the areas of transparency and public accountability, financial management, and policy reform and implementation. The project objectives include:

- Increase the transparency and accountability of the GSL,
- Improve its effectiveness and efficiency in the delivery of public services,
- Bolster its capability to communicate with the public,
- Strengthen GSL ability to incorporate public participation in policymaking, and
- Reduce opportunities for, and incidences of, corruption in public sector institutions.

SDGAP continues to work with selected government ministries, commissions and agencies, as well as Parliament and other relevant non-government organizations to achieve the following results:

- **Task One:** Strengthening Sri Lanka's Public Accountability Systems (including oversight bodies such as Parliament and independent Commissions including the Right to Information Commission, CIABOC and the Police Commission)
- **Task Two:** Improving Strategic Planning and Communication, Policy Reform and Implementation (including through work with key ministries including Ministry of Planning)
- **Task Three:** Increasing Political Participation of Women and Underrepresented Groups in Democratic Governance (including at local levels)

Central to becoming an effective project is the overall management of staff. In particular, human resource management, professional development, teamwork, information sharing and learning. As SDGAP enters its final year of its contract with USAID we need an experienced local labor law firm to assist SDGAP in the transition.

OBJECTIVES

DAI seeks qualified and efficient labor code Law Firm licensed to practice in Sri Lanka who can advise on the HR issues. The Law firm will bill on an hourly basis depending on the need for their services.

SCOPE OF THE WORK

- Has adequate knowledge, expertise to undertake any legal or related service.
- Experts in any litigation i.e. cases before any court of law be that Sri Lanka Supreme Court, Judges Court, Labour Court etc.
- Expert to advise on local benefits required by local labor law
- Expertise to interpretation of Sri Lankan laws
- Ability to discuss separation of employees and conditions to remove employees immediately.
- Provide advice on shifting employees geographically, redundant termination, and probationary period on employment
- Expertise for legal advice or assistance, as needed.
- Assist with Project closing, office closure, registration status, and separation of staff.
- Assist SDGAP with any other legal or employment inquiries as required.

In addition to meeting the scope of work listed above, offerors are required to meet or exceed the significant non-cost factors listed below:

- Offeror must possess at least 10 years of relevant in-country experience
- Offeror must have positive references from current and previous clients;
- Offeror must have working experience dealing with international firm, preferably a donor-funded international firm.

REPORTING

The Legal Advisor from the Law Firm will report to the Chief of Party and/or Deputy Chief of Party and Operations Manager

BILLING

Scopes of assignments will be ad hoc and confidential in nature and billed to SDGAP based on the date of the request by SDGAP to the legal service

The services will be covered under a Blanket Purchase Agreement (BPA), an umbrella agreement between both parties outlining pre-negotiated rates for each specified service. The BPA itself will not include an obligated amount or minimum ordering requirements; actual orders for goods will be made through individual Release Orders (or other method as may be negotiated between the two parties) which will indicate a quantity and total price based on the pre-negotiated rates established in the BPA.

A. Evaluation Criteria

Offers will be evaluated according to the following criteria:

1. Provision of all information required under Attachment A Section B, "Offer Requirements";
2. Prices offered for the services/ requirements listed under Attachment A & Attachment C: Price Schedule
3. Ability to provide the required services in accordance with requirements established in Attachment A above;
4. Method for requesting services (i.e. on-line, e-mail, phone, etc)
5. English fluency
6. Proficiency in an additional local language (Sinhala/Tamil) or both

2.2 Attachment B: Cover Letter

We, the undersigned, provide the attached quote in accordance RFP # _____ dated _____.

Our attached quotes are for the unit prices in Attachment C.

I certify a validity period of 12 months for the prices provided in the attached Price Schedule/Bill of Quantities. Our quote shall be binding upon us subject to the modifications.

We understand that DAI is not bound to accept any quotes it receives.

Authorized Signature:

Name and Title of Signatory:

Name of Firm:

Address:

Telephone:

Email:

Company Seal/Stamp:

2.3 Attachment C: Price Schedule

SL No	Service Description	Hourly Rate ¹ (except VAT)	Comments
1	Local Labor Lawyer Advisor		
2			
3			
4			
5			
6	VAT		

¹ All services included and provided for in hourly rate excluding VAT

2.4 Attachment D: Past Performance Form

Include projects that best illustrate your work experience relevant to this RFP, sorted by decreasing order of completion date.

Projects should have been undertaken in the past three years. Projects undertaken in the past six years may be taken into consideration at the discretion of the evaluation committee.

#	Project Title/Customer	Description of Services/goods provided	Location Province/District	Client Name & Tel No	Cost in US\$	Start-End Dates	Completed on schedule (Yes/No)	Completion Letter Received? (Yes/No)	Type of Agreement, Subcontract, Grant, PO (fixed price, cost reimbursable)
1									
2									
3									
4									

2.5 Attachment E: Representations and Certifications of Compliance

1. Federal Excluded Parties List - The Bidder Select is not presently debarred, suspended, or determined ineligible for an award of a contract by any Federal agency.
2. Executive Compensation Certification- FAR 52.204-10 requires DAI, as prime contractor of U.S. federal government contracts, to report compensation levels of the five most highly compensated subcontractor executives to the Federal Funding Accountability and Transparency Act Sub-Award Report System (FSRS)
3. Executive Order on Terrorism Financing- The Contractor is reminded 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 Contractor/Recipient to ensure compliance with these Executive Orders and laws. Recipients may not engage with, or provide resources or support to, individuals and organizations associated with terrorism. No support or resources may be provided to individuals or entities that appear on the Specially Designated Nationals and Blocked persons List maintained by the US Treasury (online at www.SAM.gov) or the United Nations Security Designation List (online at: http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all subcontracts/sub awards issued under this Contract.
4. Trafficking of Persons – The Contractor may not traffic in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking of persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime), procure commercial sex, and use forced labor during the period of this award.
5. Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions – The Bidder certifies that it currently is and will remain in compliance with FAR 52.203-11, Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions.
6. Organizational Conflict of Interest – The Bidder certifies that will comply FAR Part 9.5, Organizational Conflict of Interest. The Bidder certifies that is not aware of any information bearing on the existence of any potential organizational conflict of interest. The Bidder further certifies that if the Bidder becomes aware of information bearing on whether a potential conflict may exist, that Bidder shall immediately provide DAI with a disclosure statement describing this information.
7. Prohibition of Segregated Facilities - The Bidder certifies that it is compliant with FAR 52.222-21, Prohibition of Segregated Facilities.
8. Equal Opportunity – The Bidder certifies that it does not discriminate against any employee or applicant for employment because of age, sex, religion, handicap, race, creed, color or national origin.
9. Labor Laws – The Bidder certifies that it is in compliance with all labor laws..
10. Federal Acquisition Regulation (FAR) – The Bidder certifies that it is familiar with the Federal Acquisition Regulation (FAR) and is in not in violation of any certifications required in the applicable clauses of the FAR, including but not limited to certifications regarding lobbying, kickbacks, equal employment opportunity, affirmation action, and payments to influence Federal transactions.
11. Employee Compliance – The Bidder warrants that it will require all employees, entities and individuals providing services in connection with the performance of an DAI Purchase Order to comply with the provisions of the resulting Purchase Order and with all Federal, State, and local laws and regulations in connection with the work associated therein.

By submitting a quote, bidders agree to fully comply with the terms and conditions above and all applicable U.S. federal government clauses included herein, and will be asked to sign these Representations and Certifications upon award.

2.6 *Attachment F: Instructions for Obtaining a DUNS Number - DAI'S Vendors, Subcontractors*

Email SDGAPProcurement@dai.com for this attachment, DUNS Number is mandatory for any awarded bidder and is needed prior to Blanket Purchase Agreement release completion.

2.7 *Attachment F: Self Certification for Exemption from DUNS Requirement*

Email SDGAPProcurement@dai.com for this attachment, self-certification for offerors who made less than \$300,000 in gross profit in 2017 is mandatory for any awarded bidder and is needed prior to Blanket Purchase Agreement release completion.