

DATE: 19 October 2023

**REQUEST FOR PROPOSAL: No. UKRKI/RFP/2023-14
FOR THE ESTABLISHMENT OF FRAME AGREEMENT FOR THE PROVISION OF
LEGAL ADVISORY SERVICES**

CLOSING DATE AND TIME: 13 November 2023– 23:59 HRS Kyiv time

INTRODUCTION TO UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It also has a mandate to help stateless people.

In more than five decades, the agency has helped tens of millions of people restart their lives. Today, a staff of some 17,324 people in more than 135 countries continues to help about 79.5 million persons. To help and protect some of the world's most vulnerable people in so many places and types of environment, UNHCR must purchase goods and services worldwide. For further information on UNHCR, its mandate and operations, please see <http://www.unhcr.org>.

1. REQUIREMENTS

The Office of the United Nations High Commissioner for Refugees (UNHCR), Representation in Ukraine (referred to hereinafter as UNHCR), invites qualified suppliers and service providers to make a firm offer for the establishment of a Frame Agreement for the **Provision of Legal advisory services** (referred to hereinafter as “Services”).

IMPORTANT:

The Terms of Reference (TORs) are detailed in **Annex A** of this document.

UNHCR may award a service contract with an initial duration of 1 (one) year, potentially extendable for an additional period of 1 (one) year (1+1). **The successful bidder will be requested to maintain their quoted price model for the duration of the contract agreement.**

Please note that figures have been stated in order to enable bidders to have an indication of the projected requirements. It does not represent a commitment that UNHCR will purchase a minimum quantity of goods / services. Quantities may vary and will depend on the actual requirements and funds available regulated by issuance of individual Purchase Orders against the frame agreement.

Other United Nations Agencies, Funds and Programs shall be entitled to the same prices and terms as those contained in the offers of the successful bidders and could form the basis for a service contract with other UN Agencies.

IMPORTANT:

When a contract is awarded, either party can terminate the agreement only upon 30 days' notice, in writing to the other party.

The initiation of conciliation or arbitral proceedings in accordance with **article 19** "settlement of disputes" of the UNHCR General Conditions of Contracts for provision of Goods and Services shall not be deemed to be a "cause" for or otherwise to be in itself a termination clause.

It is strongly recommended that this Request for Proposal and its annexes be read thoroughly. Failure to observe the procedures laid out therein may result in disqualification from the evaluation process.

Sub-Contracting: Please take careful note of article 5 of the attached General Terms and Conditions (**Annex E**).

Note: this document is not construed in any way as an offer to contract with your firm.

2. BIDDING INFORMATION:**2.1. RFP DOCUMENTS**

The following annexes form integral part of this Request for Proposal (RFP):

- Annex A: Terms of Reference (TORs).
- Annex B: Technical Offer Form.
- Annex C: Financial Offer Form.
- Annex D: Vendor Registration Form. However, if you are already a UNHCR supplier, please indicate your vendor identification number instead of completing the vendor registration form.
- Annex E: General Conditions of Contracts for provision of Goods and Services.
- Annex F: UN supplier Code of conduct.
- Annex G: Documentation procedures on tax reporting (for companies with VAT payer status).

2.2 ACKNOWLEDGMENT

We would appreciate your informing us of the receipt of this Request for Proposals (RFP) by return e-mail to ukrkipro@unhcr.org as to:

- Your confirmation of receipt of this RFP;
- Whether or not you will be submitting a bid.

2.3 REQUESTS FOR CLARIFICATION

Bidders are required to submit any request for clarification or any question in respect of this RFP by e-mail to ukrkipro@unhcr.org with the Subject reading: *Inquiry: RFP No. UKRKI/RFP/2023-14. The deadline for receipt of written inquiries/questions is 23:59 hours Ukraine time on 6 November 2023.* Bidders are requested to keep all questions concise.

Bidders should use extreme vigilance to ensure that their proposal is submitted on time. UNHCR will not be responsible for, and will not take into consideration, any bids that are late due to a server failure or power outage, either locally or globally.

IMPORTANT:

Please note that Bid Submissions are **not** to be sent to the e-mail address above.

UNHCR will reply to the questions received as soon as possible. UNHCR may, at its discretion, copy any reply to a particular question to all other invited bidders at once by email or by means of publication on its website (<https://www.unhcr.org/ua>).

2.4 YOUR OFFER**IMPORTANT:**

Cancellation of Solicitation: UNHCR reserves the right to cancel a Solicitation at any stage of the procurement process prior to final notice of award of a contract.

Your offer shall be prepared in Ukrainian or English language respectively.

Please submit your offer using the Annexes provided. Offers not conforming to the requested formats may not be taken into consideration and could lead to disqualification.

IMPORTANT:

Inclusion of copies of your offer with any correspondence sent directly to the attention of the responsible buyer or any other UNHCR staff other than the submission e-mail address will result in disqualification of the offer. Please send your bid directly to the address provided in the "Submission of Bid" section 4) of this RFP.

Your proposal shall comprise the following two sets of documents:

- Technical proposal
- Financial proposal

2.4.1 CONTENT OF THE TECHNICAL OFFER**IMPORTANT:**

No pricing information should be included in the Technical offer. Failure to comply may risk disqualification. The technical offer should contain all the information required.

The terms of reference of the services requested by UNHCR can be found in **Annex A**. clearly state and disclose any discrepancies with the requirements given.

Your technical offer should be submitted using the technical offer as per **Annex B** and be concisely presented and structured in the following order to include, but not necessarily be limited to, the following information:

I. Mandatory Requirements (Pre-conditions): Pass/Fail criteria

The following **(6) pre-conditions** must be met by the bidder for your offer to be eligible for competition. The following should be submitted:

1. The bidder is registered as a Legal Entity or Private Entrepreneur in accordance with the Ukraine legislation.
2. Company's foundation date minimum 3 years before the tender deadline.
3. Document(s) of the company registration status with the tax services in Ukraine (i.e. general tax conditions, unified tax payer, VAT).
4. Completed Vendor Registration Form, Annex D.
5. Acknowledgment of UNHCR's general terms of contracts for the provision of goods and services, Annex E.
6. Acknowledgment of UN Supplier Code of Conduct, Annex F.

II. Qualification and experience: maximum 160 points

A description of your company qualification and experience should be provided:

- Company's experience in providing similar legal or consulting services.

Include any information that will facilitate our evaluation of your company's substantive reliability, financial and managerial capacity to provide the services.

- Proposed staff profile and experience.
- Understanding of the requirements for services, proposed approach, solutions, methodology and outputs.
- Other related information (**Annex B**).

2.4.2 CONTENT OF THE FINANCIAL OFFER.

Your separate **Financial Offer** must contain an overall proposal in US Dollars.

However, all Purchase Orders will be issued in **USD**, all payments will be made in hryvnya (UAH) at the United Nations rate of exchange in effect on the date the Purchase Order was issued by UNHCR.

The United Nations rate of exchange can be found here: <https://treasury.un.org/operationalrates/OperationalRates.php>.

The financial offer must cover all the services to be provided (price "all inclusive").

The Financial Offer is to be submitted as per the Financial Offer Form (Annex C). Bids that have a different price structure may not be accepted.

UNHCR is exempt from all direct taxes and customs duties. In this regard, **price has to be given without VAT.**

The quoted prices must remain unchanged for the duration of the Frame Agreement (**1+1 years**).

You are requested to hold your offer valid for 90 days from the deadline for submission. UNHCR will make its best effort to select a company within this period. UNHCR's standard payment terms are within 30 days after satisfactory implementation and receipt of documents in order.

The cost of preparing a bid and of negotiating a contract, including any related travel, is neither reimbursable nor can it be included as a direct cost of the assignment. Any activity undertaken or expenses incurred in preparation of a contract before an actual contract is signed shall be borne by the Bidder. An advance notice or information of award is not to be considered as a contract.

UNHCR will not normally provide any advance payments or payments by letter of credit. The standard payment terms are by bank transfer net thirty (30) days after acceptance of contractor's invoice and acceptance by UNHCR of the services.

3. BID EVALUATION:

Each proposal from a Bidder will be considered separately and independently. Bidders shall submit a complete proposal for each solicitation in which they wish to participate. References to previous or on-going proposals will not be considered. Award of a previous contract with UNHCR will not be considered in itself as a preference or guarantee for the award of future solicitations on the same subject.

3.1 TECHNICAL EVALUATION:

For the award of this contract, UNHCR has established evaluation criteria which govern the selection of offers received. The evaluation is made on a technical and financial basis. The percentage assigned to each component is determined in advance as follows: The **Technical offer** will be evaluated using inter alia the following criteria and percentage distribution: **60%** of the total score.

The criteria for the **Technical Proposal** are divided into two sections. One containing mandatory criteria with a pass/fail rating and the other containing general criteria with a score rating.

Criteria listed in the pass/fail section must be fully met by the proposal, incomplete information or lack of supporting documentation may lead to a rating of 'fail'.

All mandatory criteria require a 'PASS' rating for the proposal to be considered for the next evaluation stage and technically compliant.

<u>RFP Mandatory Criteria.</u>		
T1-1	Copy of the certificate of registration with the Government of Ukraine, with a foundation year min 3 years before the tender deadline with a minimum experience of 3 years of providing legal or consulting services.	PASS/FAIL
T1-2	Document(s) of the company registration status with the tax services in Ukraine (i.e. general tax conditions, unified taxpayer, VAT).	PASS/FAIL
T1-3	Availability of duly completed Annex D - Vendor Registration Form.	PASS/FAIL
T1-4	Acceptance of UNHCR General Conditions of Contracts for the Provision of Services Annex E.	PASS/FAIL
T1-5	Acceptance of UN Supplier Code of Conduct Annex F.	PASS/FAIL

RFP Scoring Criteria with Maximum 160 points.

The **Technical offer** will be evaluated using inter alia the following criteria and percentage distribution: **[60]**% from the total score.

Technical evaluation criteria for qualification and experience		Max. points
T2-1	Experience in provision of legal advisory services in key areas of interest: 1) Taxes and contributions applicable for different contract modalities of personnel engaged by UNHCR. 2) Value Added Taxes refund and exemption applicable for international organizations and UN System . 3) Advisory in the area of banking and finance, possibility of USD payments in Ukraine. 4) Mobilization to the Armed Forces under martial law, exemption for UN personnel.	32
T2-2	Experience in provision of legal advisory services for UN agencies and/or Embassies and/or international NGO and/or companies with 200 + staff members for the last 3 years before the tender deadline.	34
T2-3	Qualification of agency's personnel in key areas of interest who will be involved in the services provision. (short bio or CV, certificates).	32

T2-4	Dedicated contract manager, bilingual English - Ukrainian speaking.	10
T2-5	Ability to deliver overview and conclusions in English and Ukrainian languages.	20
T2-6	Description of the measures and methodology of quality checks, carried out for each order before it is sent back to the UNHCR.	4
T2-7	Description of the measures and methodology of the time tracking check spent to fulfill the request.	4
T2-8	Description of escalation / prioritization process.	4
T2-9	Lead time/standard execution time (no later than) for the 3 types of services (Annex C).	12
T2-10	Availability of provision of all or part of the services urgently and provide the detail description of process & terms (lead time, billing method, time frames of availability, etc.) in case of unexpected situations (when the postponement may have negative consequences).	8

The **Technical offer** score will be calculated according to the percentage distribution for the technical and financial offers.

The cut-off point for submissions to be considered technically compliant will be minimum **50 points** out of the 160 points

3.2 CLARIFICATION OF PROPOSALS:

To assist in the examination, evaluation and comparison of proposals UNHCR may at its discretion ask the Bidder for clarification about the content of the proposal. The request for clarification and the response shall be in writing and no change in price or substance of the proposal shall be sought, offered or accepted.

3.3 FINANCIAL EVALUATION:

The **Financial offer** will use the following percentage distribution: **[40]%** from the total score.

The financial component will be analyzed only for those suppliers that pass the technical evaluation.

The maximum number of points will be allotted to the lowest price offer that is opened and compared among those invited firms. All other price offers will receive points in inverse proportion to the lowest price; e.g., [total Price Component] x [US\$ lowest] \ [US\$ other] = points for other supplier's Price Component.

The award will be made to the most responsive bidder, reaching the highest overall (technical + financial) score.

IMPORTANT:

All suppliers must have bank account capable of receiving either Ukrainian Hryvna (UAH) or United States Dollars (USD) and must have legal entity registered in compliance with the applicable legal framework of the state. Failure to provide evidence to above two criteria may result in disqualification of your offer from further evaluation.

4. SUBMISSION OF BID:

The offers must be in your official letterhead, clearly identifying your company.

Bids should be submitted by e-mail and all attachments should be in PDF format. (Copies of the PDF format documents may, as an addition, be included in Excel or other formats etc.).

The Technical and Financial offers shall be clearly separated in different e-mails and no financial information shall be mentioned in the Technical offer.

Bid must be sent by e-mail ONLY to: UNHCR-UKR-tendercommittee@unhcr.org

IMPORTANT:

The technical offers and financial offers are to be sent in separate emails, folders and/or separate documents. Failure to do so may result in disqualification.

Deadline: 13 November 2023– 23:59 HRS Kyiv time

IMPORTANT:

Any bid received after this date or sent to another UNHCR address may be rejected. UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective bidders simultaneously.

Receipt of your emailed bid submission will be acknowledged through an automated reply. Your automated reply must be dated before the deadline of 13 November 2023 23:59:00 HRS Kyiv time. The automated reply is confirmation of receipt of your email in relation to this procurement notice, it does not imply your offer has been accepted. On the other hand, only offers with an automated reply from UNHCR-UKR-tendercommittee@unhcr.org mailbox dated on or before the deadline date/time will be considered for evaluation. In case your submission by email did not generate an automated reply, please call the main Reception at +38 (044) 288 94 24 for assistance. Please do not use this number if you have received an automated reply.

It is your responsibility to verify that all e-mails have been received properly before the deadline. In the case assistance is sought, it is your responsibility to ensure this is done adequately and completely before the deadline. UNHCR does not assume any responsibility for any delays caused by network problems, etc.

Please be aware of the fact that the e-mail policy employed by UNHCR limits the size of attachments to a maximum of **20 Mb** so it may be necessary to send more than one e-mail for the whole submission.

Please indicate in e-mail subject field:

- UKRKI/RFP/2023-14
- Name of your firm with the title of the attachment
- Number of e-mails that are sent (example: 1/3, 2/3, 3/4).

For example:

UKRKI/RFP/2023-014 Company ABC – Technical (email 1 of 3)

UKRKI/RFP/2023-014 Company ABC – Financial (email 2 of 2)

UNHCR will not be responsible for locating or securing any information that is not identified in the bid. Accordingly, to ensure that sufficient information is available, the bidder shall furnish, as part of the bid, any descriptive material such as extracts, descriptions, and other necessary information it deems would enhance the comprehension of its offer.

5. BID ACCEPTANCE:

UNHCR reserves the right to accept the whole or part of your bid or allow split or partial awards on this project.

UNHCR may, at its discretion, extend the deadline for the submission of bids, by notifying all prospective suppliers in writing. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNHCR at its own initiative or in response to a clarification requested by a prospective supplier.

Please note that UNHCR is not bound to select any of the firms submitting bids and does not bind itself in any way to select the firm offering the lowest price. Furthermore, the contract will be awarded to the bid considered most responsive to the needs, as well as conforming to UNHCR's general principles, including economy and efficiency and best value for money.

6. CURRENCY AND PAYMENT TERMS FOR PURCHASE ORDERS

Payment will be made in hryvnya (UAH) at the United Nations rate of exchange in effect on the date Purchase Order was issued following the link <https://treasury.un.org/operationalrates/OperationalRates.php>.

Currently the United Nations exchange rate between UAH and USD is lower than the market rate, therefore bidders are requested to carefully consider this in their price offer, which prices shall be kept fixed for the entire duration of the frame agreement.

7. UNHCR GENERAL CONDITIONS OF CONTRACTS FOR THE PROVISION OF GOODS AND SERVICES

Please note that the General Conditions of Contracts (**Annex E**) will be strictly adhered to for the purpose of any future contract. The Bidder must confirm the acceptance of these terms and conditions in writing.

8. ZERO TOLERANCE POLICY

Please note that UNHCR strictly follows zero tolerance policy and as such advises its suppliers not to offer any gift, favor, hospitality, etc. to its staff

9. THE UN GLOBAL COMPACT

UN Global Compact and other factors: UNHCR supports the UN Global Compact Initiative put forward on 31 January 1999 by UN Secretary-General Kofi Annan that would bring companies together with UN agencies, labor, and civil society to support ten principles in the areas of the human rights, labor, environment, and anti-corruption. We encourage our suppliers to sign up with the UN Global Compact Initiative.

UNHCR encourages bidders to sign up to this initiative at:
<https://www.unglobalcompact.org/>

[UNHCR'S TENDER ARE AVAILABLE FREE OF CHARGE.](#)

Signature

Dhanu Gurung
Associate Procurement Officer