



REQUEST FOR PROPOSAL (RFP) FOR LEGAL SERVICES - AAS/05/2020

Background/Overview

The African Academy of Sciences (The AAS) is a non-aligned, non-political, not-for-profit pan African organisation whose vision is to see transformed lives on the African continent through science. The AAS's tripartite mandate is recognising excellence through. The AAS' highly prestigious fellowship, Affiliates and award schemes, providing advisory and think tank functions for shaping Africa's Science, Technology and Innovation (STI) strategies and policies and implementing key Science, Technology and Innovation programmes addressing Africa's developmental challenges.

Vision

Transformed lives through science.

Mission

Leverage resources through research excellence and thought leadership for sustainable development.

Scope

The AAS intends to procure by way of pre-qualification the services of competent law firms and qualified lawyers to be listed on its Panel for a two-year period, and to offer a myriad of legal and associated consultancy services (hereafter referred to as the Services) as may from time to time be required over the period in question. The scope of the Services includes the fields of Company and Commercial Law, Constitutional and Administrative Law; International law; Conveyancing; Employment and Labor laws; Health and Safety laws; law relating to Information Technology; Public-Private Partnership, Procurement law, Arbitration and Alternative Dispute Resolution; Environmental Law; Insurance law; associated litigation; and Public Policy. This will also include provision of expert advice and opinions on specific cases, agreements, transactions and events. It may involve liaising with other relevant bodies and authorities.

The day to day operations of the AAS have legal ramifications and the prequalified lawyers may be called to render services in these respects. The prequalified lawyers will also be expected to provide timely, up to date informed responses and recommendations to queries from the AAS.

The Pre-qualification and enlisting on AAS Panel **shall not constitute a retainer**. The AAS does not bind itself to requests for provision of any service but shall endeavor to ensure that empaneled lawyers will be treated equitably.

Professionalism and Experience

The lawyers should be adequately competent, possess substantial relevant experience who can promptly offer the Services and associated consultancy.

The lawyers shall at all times during the period of the engagement conduct themselves in a manner suited to the best interests of the AAS. The lawyers should demonstrate the capability of conducting presentations and/or providing training to staff on relevant legal aspects in the various fields. The selected lawyers should have good credentials in handling relevant cases and matters. They should also have appropriate experience and/or international affiliations in emerging markets.

Requirements, Reports and Schedules

The law firms will be required to enter into Service Level Agreements with the AAS. The lawyers will be expected to give periodic Reports and Review of the legal matters that they are handling and timely submission within specified Schedules. Annual Performance Evaluations shall be carried out on each Law Firm rendering services for the AAS.

Eligible Law Firms and Pre-Qualification Procedure.

All law firms that are recognized by the Law Society of Kenya are eligible to participate. Successful law firms shall provide the Services in accordance with this tender and the Service Level Agreement (SLA) as shall be entered between the law firm and the AAS.

Firms should meet all the mandatory requirements of the Evaluation Criteria. Any firm that does not meet all the mandatory requirements will be disqualified and will not be evaluated further.

Law firms shall satisfy all relevant licensing and registration requirements as well as the conditions required by the Law Society of Kenya.

Law firms shall provide such evidence of their continued eligibility satisfactory to the AAS as the AAS may reasonably request.

Declarations of Eligibility

Law firms or lawyers shall fill in the annexed Declaration. Law firms or lawyers that are under the Declaration for corrupt and fraudulent practices whether currently or in the past will submit details, the nature and present status of their circumstances; and if no complaints have been level against them, the law firms shall present a clearance certificate from the Advocates Complaints Commission showing the same.

Law Firm's Competence and Qualifications

The law firm shall furnish, as part of its Tender, documents establishing the law firm's eligibility, competence to tender and its qualifications to perform well in any ensuing assignment if its Tender is accepted.

The documentary evidence of the law firm's qualifications to be appointed and perform well if its Tender is accepted shall be established to the AAS's satisfaction.

Law firms with a record of unsatisfactory or default in performance obligations in any contract or service delivery shall not be considered for evaluation or award.

The law firm may furnish, as part of its tender, documents establishing the conformity to the requirements of all services that the law firm proposes its ability to perform if appointed to AAS Panel of Lawyers.

For purposes of the documentary and other evidence to be furnished the law firm shall note that standards for competence, professionalism, material, and equipment, designated by AAS in its Evaluation Criteria are intended to be descriptive only and not restrictive.

The law firm may adopt higher standards in its Tender, provided that it demonstrates to AAS's satisfaction that the substitutions ensure substantial and/or higher equivalence to those designated in the requirements.

Professional Indemnity Cover.

The law firm shall furnish, as part of its Tender, a Professional Indemnity Cover (the PI Cover). The PI Cover is required to demonstrate the law firm's commitment and ability to perform the Services together with its compliance with the law and guidelines regarding establishment and operation of law firms in Kenya.

Successful bidders shall be required to maintain a PI cover of a minimum value as presented in the tender during the entire period of prequalification.

AAS shall seek authentication of the PI Cover from the issuing company. It is the responsibility of the law firm to sensitize its issuing company on the need to respond directly and expeditiously to queries from the AAS. The period for response shall not exceed three (3) days from the date of AAS's query. Should there be no conclusive response by the company within this period, such law firm's PI Cover may be deemed as invalid and the bid rejected.

Any Tender not secured in accordance with this paragraph will be rejected by the AAS as non-responsive.

The successful law firm's PI Cover will always be required to be updated and valid for the period of engagement and rendering of services to AAS. The value of the PI cover will, to some extent, determine the kind of briefs a successful Law Firm shall be engaged in.

Charges for Services

The law firm shall indicate on the appropriate table labelled as Method of Charging for Services the unit prices and rates (where applicable) when called upon to render such Services. The rates and prices shall be of costs for the Services excluding VAT but inclusive of all other taxes and insurances payable. No other basis shall be accepted for evaluation.

Financial Proposal

Propose how you bill for the following tasks by stating the rate for

- Drafting an agreement; and
- Researching and preparing a legal opinion.

This shall give us an indication of your charges. State whether you will bill for travel expenses separately and at what rate; and whether and how you bill for any additional time from the time that will have been agreed for drafting such legal opinion.

Task	Rate
Drafting an agreement	
Researching and preparing a legal opinion	

Evaluation Criteria

Criteria	Score
Stage 1: Preliminary evaluation (as per annexed checklist)	
Stage 2: Technical Evaluation (All firms that pass the preliminary evaluation shall be considered for Technical evaluation of this RFP)	
Specific experience of the consultant in the area of law where the firm/lawyer has provided evidence for	50%
Qualifications and competence of the key staff for the assignment	50%

Other Terms and Conditions

This document is the property of the AAS and contains proprietary and confidential information. Recipients may use or reproduce the information detailed within this document and any other supporting information only to provide a response to this RFP.

The AAS makes no commitment to any consultant/service provider unless a contract has been awarded and signed by both parties. The AAS reserves the right to cease this exercise at any time. During the period of this activity, no contact should occur between any members of the supplier's staff and any member of the AAS staff in relation to this exercise other than through the designated contact points as detailed within this RFP. It is however recognized that pre-existing relationships if any, shall be respected.

Ethics

The Agency is required to observe the AAS procurement ethical code of conduct which includes but is not limited to observing the highest standard of ethics in regard to corruption, collusion, conflict of interest and fraud. If the agency does not observe confidentiality or ethical practices, they shall be disqualified from any further work with the AAS.

Travel and Subsistence

Where appropriate, any costs for travel and subsistence must be clearly shown in the proposal.

Non-Disclosure and Confidentiality

Consultants should be aware that inappropriate publicity could have a serious effect upon the AAS's business. The information contained within this document or subsequently made available to the consultant is deemed confidential and must not be disclosed without the prior written consent of the AAS unless required by law.

Independent Proposal

By submission of a proposal, the consultant warrants that the prices in the proposal have been arrived at independently, without consultation, communication, agreement or understanding for the purpose of restricting competition, as to any matter relating to such prices, with any other potential consultant or with any competitor.

Costs Incurred by Prospective Consultant

It should be noted that this document relates to a Request for Proposal only and not a firm commitment from the AAS to enter into a contractual agreement. In addition, the AAS will not be held responsible for any costs associated with the production of a response to this Request for Proposal.

Instructions on the Proposal Submission Process

- 1) Response to this request for proposal should be sent by email to: procurement@aasciences.africa by **31st July 2020 at 1700 hrs (East African Time)**
- 2) Questions and Clarifications regarding the RFP should be sent to the above email on or before **17th July 2020**.
- 3) All responses shall be uploaded in the website on **20th July 2020**

Primary RFP Contact

Procurement Office

The African Academy of Sciences Headquarters,

8 Miotoni Lane, Karen

P.O. Box 24916, Nairobi, Kenya

Telephone: +254 208 060 674 / 709 158 130 / 709 158 100

procurement@aasciences.africa

ANNEXES

1. Evaluation of duly submitted tenders will be conducted along the following stages:

Part 1 - Preliminary Evaluation.

CHECKLIST

These are mandatory requirements. This shall include confirmation of the following as well as checking general orderliness, tidiness of the Tender. Law firms shall tick against each item indicating that they have provided it.

Item	Tick Where Provided
<ol style="list-style-type: none"> 1. Professional Indemnity Cover 2. Declaration Form (Annex 2) 3. A clearance certificate from the Advocates Complaints Commission 4. Duly completed Tender Form (Prequalification document 1) 5. Copy of law firm's Registration Certificate 6. Copy of law firm's PIN Certificate 7. Copy of the law firm's Valid Tax Compliance or Clearance Certificate 8. List with full contacts as well as physical addresses of six (6) corporate client as evidence of the law firm's performance and experience on legal matters in the last three years from date of prequalification tender. The law firm should detail are of specialization in each matter as per the scope outlined above e.g. conveyancing, Arbitration, Employment law etc. 9. Curriculum Vitae of lawyers 10. Current Practicing certificates issued by LSK 11. Proof of evidence of physical address and premises through e.g. copy of utility bills i.e. electricity, water, telephone; copy of title deed; lease or tenancy agreement etc. 12. Any other document or item required by the Prequalification tender document (law firm to specify such other document or items it has submitted) 	

2. Declaration

(Failure to provide this information shall lead to disqualification from the exercise)

Having studied the tender information for the above pre-qualification we/I hereby state:

- Have read and understood the terms and condition for AAS
- Have not been debarred from participating in procurement by anybody, institution or person.
- That in case of being qualified we acknowledge that this grants me/us the right to participate in due time in the submission of a tender or quotation on the basis of provisions in the tender or quotation documents to follow.
- If the legal, technical, financial conditions or the contractual capacity of the firm changes when the call for Tenders/Quotations is issued, we commit ourselves to inform you and acknowledge your right to review the tender made.
- We enclose all the required documents and information required for the prequalification evaluation.
- That I/ We have not been involved in and will not be involved in corrupt and fraudulent practices regarding procurement anywhere.

- That I/ We are not insolvent, in receivership, bankrupt or in the process of being wound up and is not the subject of legal proceedings relating to the foregoing.
- We are not associated with any other Tenderer participating in this Tender.

- That I/We do hereby confirm that all the information given in this tender is accurate, factual and true to the best of our knowledge.

Date

Applicant's Name

Represented by

Signature

Designation

(Full name and designation of the person signing and stamp or seal.).

3. FORMAT OF CURRICULUM VITAE (CV) FOR PROPOSED PROFESSIONAL STAFF

Name of Firm: _____

Name of Staff: _____

Years in the legal profession: _____ Years with Firm: _____

Membership in Professional Societies: _____

Detailed Tasks that the staff undertakes: _____

Key Qualifications:

[Give an outline of staff member's experience and training most pertinent to tasks on assignment. Describe degree of responsibility held by staff member on relevant previous assignments and give dates and locations].

Education:

[Summarize college/university and other specialized education of staff member, giving names of schools, dates attended and degree[s] obtained.]

Employment Record:

[Starting with present position, list in reverse order every employment held. List all positions held by staff member since graduation, giving dates, names of employing organizations, titles of positions held, and locations of assignments.]

Certification:

I, the undersigned, certify that these data correctly describe me, my qualifications, and my experience.

_____ Date: _____

[Signature of staff member]

_____ Date: _____

[Signature of authorised representative of the firm]

Full name of staff member: _____

Full name of authorized representative: _____