
REQUEST FOR EXPRESSIONS OF INTEREST – FIRM CONSULTANCY

Consultancy Services to Provide Legal Advisory and Support under a Framework Agreement for 3 - Years

Procurement Number.: 43/AUDA/OCEO/LEGAL/CQS/2024

Legal Firms Only

1. INTRODUCTION

The African Union Commission (AUC), headquartered in Ethiopia, was established as a unique Pan-African continental body and is charged with spearheading Africa's rapid integration and sustainable development by promoting unity, solidarity, cohesion, and cooperation among the peoples of Africa and African States as well as developing a new partnership worldwide. Within the African Union, the New Partnership for Africa's Development (NEPAD) was adopted in 2001 in Lusaka, Zambia, aimed primarily at poverty alleviation and the promotion of economic growth and sustainable development in Africa.

As NEPAD was integrated into the structures and processes of the African Union, the NEPAD Planning and Coordinating Agency (NPCA) was established by the Decision of the 14th AU Assembly of February 2010 to serve as the technical body of the African Union. In June 2018, at the 31st Ordinary Session of the Assembly of African Union Heads of State and Government in Nouakchott, Mauritania, a decision was taken to transform the NEPAD Planning and Coordination Agency into the African Union Development Agency-NEPAD (AUDA-NEPAD). The mandate of AUDA-NEPAD is to: a) Coordinate and Execute priority regional and continental projects to promote regional integration towards the accelerated realisation of Agenda 2063, and b) Strengthen the capacity of African Union Member States and regional bodies, advance knowledge-based advisory support, undertake the full range of resource mobilisation and serve as the continent's technical interface with all Africa's development stakeholders and development partners.

The AUDA-NEPAD is thus an African-owned and led continental agency, spearheading Agenda 2063.

2. THE MAIN OBJECTIVES OF THE CONSULTING SERVICE

The law firm's role is to provide comprehensive legal support to safeguard the organization's interest and facilitate its smooth operations within the boundaries of applicable laws and regulations. That further covers the proactive identification of sources of potential legal risks in commercial and contractual obligations of the institution.

1. SCOPE OF WORK, ACTIVITIES AND TASKS

The consultant will be responsible for the following tasks:

The precise scope of work for the law firm shall include but not be limited to public international law and the internal administrative law of the African Union, as well as private international law.

In addition to the areas of laws listed above, the Law firm is expected to provide legal advice and support to the AUDA-NEPAD Legal Unit in all legal matters, including compliance with relevant laws, regulations, policies, and dispute mechanisms.

- a. Provide Legal advice and Consultation;
- b. Contractual matters; and
- c. Dispute resolution.

3. EXPECTED OUTPUTS:

The Law Firm shall provide proactive and comprehensive legal support to the Legal Unit to safeguard the AUDA-NEPAD's interests:

- a. Facilitate the smooth operations of the AUDA-NEPAD within the boundaries of applicable laws and regulations;
 - b. Reduce cycle times in handling legal matters expeditiously and effectively; and
 - c. Defend the interests and the reputation of the AUDA-NEPAD and its legal representative.
4. The African Union Development Agency (AUDA-NEPAD) now invites eligible Law Firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services.

5. SUBMISSION REQUIREMENTS AT SHORTLISTING STAGE

Interested firms must provide information indicating that they are qualified and experienced to perform the services. The shortlisting criteria are:

- a. An Official signed Letter from an authorized official, expressing interest of the firm to participate in the Consultancy.
- b. Signed declaration of undertaking.
- c. General profile and background of the firm which should elaborate on the following:
 - i. Core Business of the firms
 - ii. Names of authorized representatives of the firms (Power of Attorney).
 - iii. In the cases of Consortiums/Partnerships/Associations shall be required to submit Joint venture Agreements/Joint Association letters stating the lead firm.
 - iv. Commercial Registration of the firms attaching Registration certificates.
- d. Experience of the Firm in handling consultancy services of a similar nature. Firm to include written references from at least 3 institutional clients with contact details;
- e. The Legal Firm must be a member of the Legal Practice Council(s) or relevant international bodies. Proof of Membership must be attached; and
- f. Availability of Professional Key Staff with Suitable Qualifications and experience in the field of assignment.

The detailed Terms of Reference (TOR) for the assignment can also be found at the following website: (<https://www.nepad.org/corporate-procurement#tenders>).

6. AUDA-NEPAD will shortlist 1 the best qualified and experienced firm to submit detailed technical and financial proposals.
7. The Framework Agreements to be concluded under Single-Supplier and Single-User basis;
8. The Framework Agreements shall be concluded for a term of three (3) years from the commencement date stated in the Framework Agreement and the Law Firm shall be engaged on an ad-hoc basis at the agreed hourly rates and number of hours to be determined before each legal representation by an engagement letter.
9. The selection of an FA Consultant to be awarded a Call-off Contract. However, the conclusion of a Framework Agreement shall not impose any obligation on the Procuring Agency, including participating Purchasers, to purchase services under a Call-off Contract. The conclusion Framework Agreement does not guarantee that an FA Supplier will be awarded a Call-off Contract.
10. The Primary Procurement shall establish a Closed Framework Agreement(s).
11. Duration and Reporting: The duration of the assignment is expected to last for three (3) years. The Consultant will report directly to the Legal Unit under the Office of the Chief Executive Officer.
12. Consultants may associate with other firms in the form of a joint venture or a sub-consultancy to enhance their qualifications. Firms from African Union Members States and/or joint ventures will have an added advantage.
13. A Consultant will be selected in accordance with the Consultant's Qualification Selection Method (CQS) set out in the AU Procurement Guidelines. This is an Expression of Interest (EOI) only; submission of Financial Proposals is not applicable at this stage.
14. AUDA-NEPAD reserves the right to verify any information provided by prospective entities/individuals and false information will lead to disqualification. The AUDA-NEPAD Agency reserves the right to cancel or reject any or all EOIs without stating any reason.

15. Only Consulting Firms are eligible for this assignment if they fulfil the following eligibility criteria:
- a) Have no conflict of interest in relationship to performance of this assignment.
 - b) Are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the Africa Union, World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank. Further, we are not ineligible under pursuant to a decision of the United Nations Security Council along with any of the sub-consultants, subcontractors, suppliers, or service providers for any part of the contract.
 - c) Have not been convicted by a final judgement or a final administrative decision or subject to financial sanctions by the United Nations or Country for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - d) Are not a shell company nor has their company been created specifically for this bid and are legally registered to operate a business under the Laws of their country; and
 - e) Are not being bankrupt, wound up or ceasing our activities, having their activities administered by courts, having entered receivership, reorganisation or being in any analogous situation.
 - f) Are not involved in corruption: offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.
 - g) Comply with their national tax and social security laws.

Expressions of interest must be delivered to the address below by the **16th of August 2024 at 14:00hrs (South African Time)** and must be clearly marked as **“Consultancy Services to Provide Legal Advisory and Support under a Framework Agreement for 3 – Years: Procurement Number 43/AUDA/OCEO/LEGAL/CQS/2024”**

EOIs can also be sent by email, addressed to the address below. Interested Consultants may also obtain further information at the address below during office hours (09:00 - 17:00 South Africa time):

The Chairperson, Internal Procurement Committee (IPC)
African Union Development Agency (AUDA-NEPAD)
230, 15th Road, P. O. Box 218 Midrand,
1685 Johannesburg, South Africa
Email: procurement@nepad.org ; and copy nhamos@nepad.org

Attention of: Procurement Division

Privacy Policy: AUDA-NEPAD Procurement office collects and uses your personal information for the “Procurement Process” when you intend to compete and deliver any service or goods for the organization either individually or as a firm based on your consent. Your personal data is our highest security and kept for a period strictly necessary for the purpose set out. This privacy notice supplements the AUDA-NEPAD standard privacy notice and should be read in conjunction with the same available on AUDA-NEPAD website.

Annex 1 – Declaration of Undertaking

DECLARATION OF UNDERTAKING

{Location, Date}

To: **The Chairperson Internal Procurement Committee (IPC)**

AUDA-NEPAD

230, 15th Road, P. O. Box 218 Midrand,
1685 Johannesburg, South Africa

The Attention of: Head of Procurement Division

1. We, the undersigned, offer to provide the services for *{Title and Procurement Number}* in accordance with your Request for Expression of Interest (EOI) dated *{Date}*
2. We declare that:
 - a) All the information and statements made in this EOI are true and we accept that any misinterpretation or misrepresentation contained in the EOI may lead to our disqualification and/or may be sanctioned by AUDA-NEPAD;
 - b) We have no conflict of interest in relationship to performance of this assignment;
 - c) We confirm our understanding of our obligation to abide by the AU Ethics policy regarding corrupt and fraudulent practices;
 - d) We, along with any of our sub-consultants, subcontractors, suppliers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment imposed by the African Union, World Bank or any other multilateral development bank and being listed on the website <http://www.worldbank.org/debarr> or respectively on the relevant list of any other multilateral development bank. Further, we are not ineligible under the South African laws or official regulations or pursuant to a decision of the United Nations Security Council;
 - e) We have not been convicted by a final judgement or a final administrative decision or subject to financial sanctions by the African Union, United Nations or Country for involvement in a criminal organisation, money laundering, terrorist-related offences, child labour or trafficking in human beings; this criterion of exclusion is also applicable to legal Persons, whose majority of shares are held or factually controlled by natural or legal Persons which themselves are subject to such convictions or sanctions;
 - f) We are not a shell company nor has our company been created specifically for this bid and confirm we are legally registered to operate a business under the Laws of *{insert country of registration}* since *{insert year of registration}*; and
 - g) We are not being bankrupt, wound up or ceasing our activities, having our activities administered by courts, having entered receivership, reorganisation or being in any analogous situation;
 - h) Are not involved in corruption: offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
 - i) We comply with our national tax and social security laws.
- 3) We commit ourselves to complying with and ensuring that our Subcontractors and major suppliers under the Contract comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract and the fundamental conventions of the International Labour Organization (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the relevant environmental and social management plans or other similar documents provided by AUDA-NEPAD and, in any case, implement measures to prevent sexual exploitation and abuse and gender-based violence.
- 4) We undertake to bring to the attention of AUDA-NEPAD, any change in situation regarding points 2 and 3 here above.

We remain,

Yours sincerely,

Authorised Signature:
Name and Title of Signatory:
Name of Firm:
Address: