



REQUEST FOR EXPRESSIONS OF INTEREST (REOI)

INDIVIDUAL CONSULTANCY SERVICES – (ICS)

Individuals Consultants Only

Assignment Title: Consultancy Services for the Provision of Legal Services (Lawyer) under Framework Agreement for 3 Years

Procurement No: 153/AUDA/OCEO/LEGAL/ICS/2024

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 realization 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 mobilization 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 main objective of the assignment to be undertaken by the selected competent legal expert shall be to advise the AUDA-NEPAD on any labour-related issues, particularly, on the best approach to handle any dispute that may arise between the AUDA-NEPAD and its employees.

The Lawyer is expected to provide legal advice and support to the AUDA-NEPAD Legal Unit in the preparation and submission of all documents as may be required by the AU Administrative Tribunal.

3. SCOPE OF WORK, ACTIVITIES AND TASKS

The lawyer's responsibilities shall include but not limited to providing, when required, a comprehensive legal support in managing labour disputes, including those against AUDA-NEPAD, within the boundaries of applicable rules and regulations of the African Union.

The lawyer shall perform these specific responsibilities:

- a. Provide expert legal advice and comprehensive support on labour and employment law matters, labour disputes, grievances and disciplinary actions and participate in the resolution process as required;
- b. Review, analyse and provide guidance on AU Staff rules, regulations and policies and practices to ensure compliance with the applicable regulations;
- c. Liaise closely with the AUDA-NEPAD Legal Unit on labour-related issues;
- d. Timely provision of legal opinions and memoranda on labour-related issues as requested by the Legal Unit;
- e. Support the Legal Unit, when required, to understand and comply with applicable laws, regulations, and international frameworks in relation to labour-related issues; and
- f. Provide expert legal advice and support on labour and employment law matters, labour disputes, grievances and disciplinary actions and participate in the resolution process as required.

For labour dispute resolution

- g. Support AUDA-NEPAD in managing and resolving labour disputes, including arbitration, mediation, and reconciliation with regular updates to AUDA-NEPAD on the status of such proceedings and processes:
 - i. Conduct an in-depth review of the facts of the case and analyse and organize information gathered and advise on the best strategy;
 - ii. Draft the required legal documents and pleadings, submissions, narratives, key findings and related documents including affidavits, complaints, counterclaims, crossclaims, witness statements, discovery documents, motions for appeal and related documents, legal opinions, briefs, and settlement agreements among others;
 - iii. Engage in negotiations and settlement discussions on behalf of AUDA-NEPAD; and
 - iv. Provide legal advice on all official communications or documents related to the case.
- h. Perform any other service related to Employer and Employee relations that may be required by AUDA-NEPAD.

4. QUALIFICATION AND WORK EXPERIENCE REQUIRED FOR THE CONSULTANT

- a. LL.M. (Master of Laws) Degree in Public International Law, International Labour Laws, or related field;
- b. Ten (10) years of experience in public international law, international labour law and labour dispute mechanisms;
- c. In-depth knowledge and expertise of the African Union Rules, procedures, policies and systems; and the African Union Staff regulations and rules and its dispute mechanisms frameworks, including before the African Union Administrative Tribunal;
- d. Demonstrative ten (10) years' experience in labour law practice, advising governments or international organisations on labour disputes, employment contracts, collective bargaining agreements, or other labour-related policy matters; and
- e. Traceable similar experience in the last 5 years in labour practice, advising governments or international organisations on labour disputes, employment contracts, collective bargaining agreements, or other labour-related cases.

Competencies

- f. The Lawyer shall have: Furthermore, the Lawyer must have expertise in the governance structures and legal obligations of international organizations. Capacity to handle diverse and complex matters related to employee relations.

5. THE SHORTLISTING CRITERIA ARE:

For evaluation of the expressions of interest, the following criteria will be applied with a pass mark of 70 points:

- a. Qualifications - Education and Relevant Training (30 points);
- b. Experience related to the Assignment (40 points);
- c. Similar previous experience related to the Assignment (20 points); and
- d. Knowledge and experience of the region & local conditions (10 points).

A Consultant will be selected in accordance with the Individual Consultant Selection method set out in the Procurement Regulations Article 4.9.17.1 of the African Union Procurement Manual Version 2.0 – 2016.

Interested candidates are requested to submit the following documents for AUDA-NEPAD consideration:

- i. Cover letter;
- ii. Signed Declaration of Undertaking (downloadable from AUDA-NEPAD website and attached as Annex 1 below);
- iii. Current Curriculum Vitae (CV); and
- iv. Certified proof of stated Qualifications in the form of copies of the degrees obtained.

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. Bidder Instructions according to the Framework Agreement

- a. AUDA-NEPAD will shortlist 1 the best qualified and experienced Consultant to submit a detailed Financial Proposal;
- b. The Framework Agreements to be concluded under Single-Supplier and Single-User basis;
- c. The Framework Agreements shall be concluded for a term of three (3) years from the commencement date stated in the Framework Agreement and the Consultant shall be engaged on an ad-hoc basis at the agreed hourly/day rates and active person man hours/days to be determined before each legal representation by an engagement letter;
- d. The selection of a Framework Agreement Service Provider 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 the Consultant will be awarded a Call-off Contract.
- e. The Primary Procurement shall establish a Closed Framework Agreement(s).
- f. Reporting and Time Schedules: 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.
- g. A Consultant will be selected in accordance with the Individual Consultant Services (ICS) Method 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.
- h. 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.

Expressions of interest with supporting documents must be delivered in written form to the address below by email on or before **August 16, 2024 - 14:00hrs (South African Time)**. All EOIs must be marked **“Consultancy Services for the Provision of Legal Services (Lawyer) under Framework Agreement for 3 Years – Procurement Number: 153/AUDA/OCEO/LEGAL/ICS/2024”** in the email’s subject line.

The Chairperson Internal Procurement Committee (IPC)

Africa Union Development Agency - New Partnership for Africa’s Development (AUDA-NEPAD)
230, 15th Road, P. O. Box 218 Midrand,
1685 Johannesburg, South Africa

Email: procurement@nepad.org and cc nhamos@nepad.org

In Attention of Procurement Division

- 7. **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 is 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 the 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

Attention of: Head of Procurement Division

1. I, the undersigned, offer to provide the services for {insert Title and Procurement Number} in accordance with your Request for Expression of interest dated {insert Date}
2. I declare that I:
 - a) Have no conflict of interest in relationship to performance of this assignment;
 - b) Am 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, are not ineligible pursuant to a decision of the United Nations Security Council;
 - c) 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;
 - d) Am 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;
 - e) Have not been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organization or any other illegal activity detrimental to the AUDA-NEPAD financial interests;
 - f) Have not been declared guilty of gross professional misconduct proven by any means which AUDA-NEPAD can justify;
 - g) Are not involved in corruption: offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
 - h) Comply with their national tax and social security laws.
3. I, the undersigned, certify that to the best of my knowledge and belief, that my CV correctly describes myself, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged;
4. I hereby declare that at any point in time, at AUDA-NEPAD's request, I will provide certified copies of all documents to prove that I have the qualifications and the professional experience which are attached to this CV as photocopies;
5. By signing this statement, I also authorize the AUDA-NEPAD's to contact my previous or current employers indicated in my CV, to obtain directly reference about my professional conduct and achievements.

We remain,

Yours sincerely,
Authorised Signature:
Name and Title of Signatory:
Name of Firm:
Address: