



Scope of Work for Indefinite Deliverable/ Indefinite Quantity Contract (IDIQC) for Legal Assistance In Support of the ACED Program Activities in Aqaba

SW # / TO#	SOW-064-2009
RFP #	RFP-023-2009
Potential candidate(s):	Legal firms and Individuals Attorneys
Position:	N/A
Local / International:	Local
Maximum Level of Effort:	To be identified by Task Orders (TOs)
Contract Name:	IDIQC for Legal Services
Contract Number:	N/A
Period of Performance:	July 2009 until October 2010

I. AQABA COMMUNITY and ECONOMIC DEVELOPMENT PROGRAM BACKGROUND

The Aqaba Community and Economic Development (ACED) Program is a five-year project funded by the United States Agency for International Development, benefiting the people and businesses of the Aqaba Special Economic Zone (ASEZ or Zone).

The ACED Program is based in Aqaba city and is composed of activities under three major areas:

- Component 1 will work to strengthen the government institutions and will be working directly with Aqaba Special Economic Zone Authority (ASEZA) and Aqaba Development Corporation (ADC),
- Component 2 will strengthen private sector to become more competitive, through enhancing the capabilities of Micro, Small and Medium Enterprises (MSMEs), and
- Component 3 will be working closely with the local community to develop its capacities and empower NGOs and Community-Based Organizations (CBOs).

In addition, cross-cutting training provision and a small grants and commodities program will support various activities within the components.

2. ACTIVITY BACKGROUND

The ACED Program will require legal services to support all the work done in its components. For instance component one might need legal assistance to draft/revise several regulations for ASEZA and the ADC. Component 2, in supporting in its efforts to

enhance the business in ASEZA might need assistance in drafting bylaws, statues, etc for related associations and NGOs. Component 3 might need assistance in revising/creating legal structures for different CBOs(Civil Based Organizations) and CSOs(Civil Based organizations).

3. DESCRIPTION of the ASSIGNMENT

The Contractor may work with the ACED Program, ASEZA, ADC or local community/ businesses / NGOs / CBOs to help develop bylaws and/or organizations based on the best practices according to Jordanian laws that meet the required needs as may be subsequently defined in Task Orders (TOs) under the contemplated Indefinite Deliverable/ Indefinite Quantity Contract (IDIQC). The Contractor may also provide indirect technical assistance to businesses, if approved.

Required tasks:

The legal expert might be requested as per the future task order to do several but not limited to the following:

- Drafting/ Revising regulations, instructions relevant to establishing or restructuring units within ASEZA or the ADC.
- Providing advice to ACED Program clients on the creation of non-profit organizations, e.g. registration procedures, charter or other “organic” document drafting, relationship with other Jordanian NGOs or societies, organizations, associations, etc.
- Drafting/ Revising Bylaws, statues and all other relevant legal documents for different CBOs and CSOs.
- Coordinating with the relevant stakeholders to create the appropriate legal structures as required;
- Present the deliverables to the ACED Program and other stakeholders as required;

4. EXPECTED RESULTS

The ACED Program Indefinite Quantity Contract (IQC) Methodology document more fully describes the acquisition of technical assistance (TA) services from an IDIQC holder. Prospective Offerors are responsible for familiarizing themselves with the contents of this document. Specific work activities, if any, may be described in future TO or RFP for Task Order documents that will include the technical, schedule, deliverable and Labor Category information as may apply to the services desired by the ACED Program at that time.

5. EXPERT(S) PROFILE

a) Education level	The expert(s) should have a university degree in Law. Masters degree is preferred.
b) Specific experience	At least 8 years of professional working experience as a legal consultant in a law firm. Sound knowledge of and previous experience with Jordanian laws, the legal framework of the Jordanian Government, and/or civil society issues/organizations.
c) Language requirements	Fluency in Arabic and English.

6. LOCATION, DURATION AND REQUIREMENTS

- 6.1 Starting date:** The starting date of the IDIQC is July 2009
- 6.2 Finishing date of the assignment:** The IDIQC will continue until October 2010.
- 6.3 Location & facilities:** The location for the assignment will be Aqaba, Jordan, working within the premises of ASEZA and/or the ACED Program offices. In Aqaba, the ACED Program will provide work space, and communication lines (Internet, fax, and fixed line telephone). Each expert is to provide his/her own computer.
- 6.4 Reporting structure:** The Contractor will coordinate with international and local consultants to be identified at a later stage by the ACED Program and work with the relevant component team members as well as any designated person(s) within the ACED Program as may be determined at the time of signing the contract and thereafter.

7. INSTRUCTIONS to BIDDERS

7.1 *General*

- 7.1.1 The Technical Proposals** should include :
- 7.1.1.1 List of the key experts and CV of qualified consultants to complete the work using the template in Annex 1.
 - 7.1.1.2 A completed and signed bio data sheet (I420 form) will be requested if the submitted proposal was deemed potentially acceptable.
 - 7.1.1.3 Organization & methodology using the template in Annex 2.
 - 7.1.1.4 Availability form using template in Annex 3.
- 7.1.2** The ACED Program reserves the right to conduct negotiations once a successful proposal is identified, or to make an award without conducting negotiations based solely on the written proposals if it decides it is in its best interest to do so.

- 7.1.3 The ACED Program reserves the right not to make any award. These Instructions to Bidders will not form part of the offer or of the Contract. They are intended solely to aid Bidders in the preparation of their proposals.

7.2 RFP Delivery Schedule*

RFP Released June 21, 2009
Proposals Due July 5, 2009 at 03:00 pm
Evaluation Complete..... July 12, 2009
Final Award Contingent upon USAID approval July 20, 2009

*SHOULD ANY CHANGES IN THIS SCHEDULE OCCUR, ALL OFFERORS WILL BE NOTIFIED.

7.3 Submission Requirements

- 7.3.1 Language: The proposal and all associated correspondence must be in English. Any award document resulting from this request will be in English.

- 7.3.2 Currency: The cost proposal shall be presented in Jordanian Dinars.

- 7.3.3 Submission Method:

Electronic: Two separate email submissions: one for Technical; one for cost offer

Hard copy will be requested upon acceptance of proposal.

- 7.3.4 Delivery address: proposals should be sent to the following e-mail addresses :

info@aced-jordan.com and or aced.jordan@gmail.com .

All clarifications shall be sent to the above addresses before the clarifications deadline.

- 7.3.5 Marking:

Technical Proposal: [Firm Name] Technical Response to RFP No. RFP-023-2009 (SOW-064-2009)

Cost Proposal: [Firm Name] Cost Response to RFP No. RFP-023-2009 (SOW-064-2009).

- 7.3.6 Authorized Signer: Offers must be signed by a person duly authorized to submit an Offer on behalf of the Bidder and bind the Bidder to the Offer. An offer submitted by a corporation must bear the seal of the corporation.

7.4 Eligibility

The Bidders must demonstrate that they:

- Have a satisfactory performance record in projects of this type;
- Have a satisfactory record of integrity and business ethics;

- Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them; under this category the Bidder must provide a description of its legal status, including details such as date and place of incorporation, relationship to parent companies or subsidiaries, etc;
- Have the necessary technical capacity, equipment and facilities, or the ability to obtain them; and
- Are otherwise qualified and eligible to receive an award under applicable laws and regulations.

8. EVALUATION

The ACED Program intends to award an number of IDIQC's resulting from this solicitation. The evaluation criteria will be used as a guide in determining which proposals will present the best value to the ACED Program and USAID. All Bidders will be notified in writing of the results of the evaluation within fifteen working days after the close of the bid.

The ACED Program will evaluate each technical proposal quantitatively based upon the technical evaluation factors set forth below:

1) Past Experience	30%
2) Technical Approach	35%
3) Personnel Capabilities	35%
Total	100%

A technical proposal can be categorized as unacceptable when it has many deficiencies or gross omissions or both and thereby: (1) demonstrates a failure to understand much of the scope of work necessary to perform the required tasks; (2) fails to provide a reasonable, logical approach to fulfilling much of the requirements; or (3) fails to meet the personnel requirements. A finding of unacceptable in one technical evaluation will result in the entire technical proposal being found to be unacceptable.

Although the cost proposals will not be part of the overall evaluation, however the bidders shall include a cost proposal in their bid that comply with USAID regulations and as outlined in article 6 of the IQC methodology document attached.

Award may or may not be made based on initial proposal submission without discussions or negotiations. Therefore, the Bidder's initial proposal should contain the Bidder's best terms from a cost/price and technical standpoint. The ACED Program reserve the right to conduct negotiations if it later determines them to be necessary.

9. TERMS and CONDITIONS

The following terms and conditions are not negotiable and shall be complied with by all Bidders.

- 9.1 This is a Request for Proposal only, and in no way obligates AECOM International Development or the ACED Program to award a contract. The resultant award will be governed by these Terms of Contract.

- 9.2 “Supplier” means the firm supplying the services under this RFP.
- 9.3 “Agent” means the AECOM International Development, on behalf of the ACED Program, under this RFP.
- 9.4 This RFP is being placed on behalf of the ACED Program, an official project of the Government of the United States, and as such, it is free and exempt from any consular or legalization fees, inspection or validation charges, and any taxes, tariffs, duties or other levies imposed by laws in effect in Jordan. No such fees, charges, tariffs, duties or levies will be paid under any award(s) as a result of this RFP.
- 9.5 The Supplier must be a citizen or legal resident of, or a legal business organized under the laws of, the United States or Jordan. The Bidder should submit its certified registration form or copy of Jordanian ID.
- 9.6 The Agent may, by written notice of default sent to the Supplier by registered mail, terminate in whole or part of this RFP, if the Supplier fails to perform any of the other provisions of this RFP, or so fails to make progress as to endanger performance of this RFP in accordance with its terms, and in either of these two circumstances, does not cure such failure within a period of ten (10) days (or such longer period as the Agent may authorize in writing) after receipt of notice from the Agent specifying such failure.
- 9.7 In the event of disputes arising in connection with this RFP, the parties shall make reasonable attempts to reach amicable settlement among themselves. In the event that the parties shall fail to reach an amicable settlement within thirty (30) days, the dispute shall be decided under the Contracts Disputes Act of 1978 (41 U.S.C. 601-613). A claim by the Supplier shall be in writing and submitted to the ACED Program Contracting Officer for a written decision.

ANNEX I: KEY EXPERTS

Name of expert	Proposed position	Years of experience	Age	Nationality	Educational background	Specialist areas of knowledge	Experience in beneficiary country	Languages and degree of fluency (VG, G, W)

CURRICULUM VITAE

Proposed role in the project:

1. **Family name:**
2. **First names:**
3. **Date of birth:**
4. **Nationality:**
5. **Civil status:**
6. **Education:**

Institution [Date from - Date to]	Degree(s) or Diploma(s) obtained:

7. **Language skills:** Indicate competence on a scale of 1 to 5 (1 - excellent; 5 - basic)

Language	Reading	Speaking	Writing

8. **Membership of professional bodies:**
9. **Other skills:** (e.g. Computer literacy, etc.)
10. **Present position:**
11. **Years within the firm:**
12. **Key qualifications:** (Relevant to the project)
13. **Specific experience in the region:**

Country	Date from - Date to

14. Professional experience

Date		Location	Company	Position	Description
From	To				

15. Other relevant information (eg, Publications)

ANNEX II: STATEMENT OF AVAILABILITY¹

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I, the undersigned, hereby declare that I agree to participate with the Bidder <Bidder name > in the above-mentioned service RFP procedure. I further declare that I am able and willing to work for the period(s) foreseen for the position for which my CV has been included in the event that this RFP is successful, namely:

From	To	Availability
< start of period 1 >	< end of period 1 >	< full time/part time >
< start of period 2 >	< end of period 2 >	< full time/part time >
< etc >		

Furthermore, should this RFP be successful, I am fully aware that if I am not available at the expected start date of my services for reasons other than ill-health or force majeure, the bidder may be subject to exclusion from other RFP procedures and contracts funded by the USAID and that the notification of award of contract to the bidder may be rendered null and void.

Additionally I declare that I am not in a situation of conflict of interest and commit to inform the ACED Program of any change in my situation.

Name	
Signature	
Date	

¹ To be completed by all key experts

ANNEX III: ORGANIZATION & METHODOLOGY

To be completed by the Bidder

Rationale

- Any comments on the Terms of reference of importance for the successful execution of activities, in particular its objectives and expected results, thus demonstrating the degree of understanding of the contract. An opinion on the key issues related to the achievement of the contract objectives and expected results.
- An explanation of the risks and assumptions affecting the execution of the contract.

Strategy

- An outline of the approach proposed for contract implementation.
- A list of the proposed activities considered to be necessary to achieve the contract objectives.
- The related inputs and outputs.
- In the case of a tender being submitted by a consortium, a description of the input from each of the consortium members and the distribution and interaction of tasks and responsibilities between them.
- A description of the support facilities (back-stopping) that the team of experts will have from the contractor during the execution of the contract.
- A description of sub-contracting arrangements foreseen, if any and within the limit indicated in clause 3 of the Instructions to Bidders, with a clear indication of the tasks that will be entrusted to a sub-contractor and a statement by the Bidder guaranteeing the eligibility of any sub-contractor.

Timetable of activities

- The timing, sequence and duration of the proposed activities, taking into account mobilisation time.
- The identification and timing of major milestones in execution of the contract, including an indication of how the achievement of these would be reflected in any reports, particularly those stipulated in the Terms of reference.
- The expected number of working days required from each category of expert each month during the period of execution of the contract (using the Excel spreadsheet linked to the Budget breakdown).

Log frame

A Logical framework reflecting the considerations described in items 1 – 3.