

Terms of Reference

FRAMEWORK FOR PROVIDING SERVICES Legal Services

PIN Office in Bosnia and Herzegovina

People in Need (Contracting Authority) is looking for the expert support (Contractor) to handle extension of temporary residency and work permits, as well as expert legal support during the process of obtaining residency permits for expat staff of People in Need in Bosnia and Herzegovina, Mostar and Sarajevo offices and provide legal opinion on these topics.

1. BACKGROUND

People in Need (PIN) is a non-governmental, non-profit organization founded on the ideals of humanism, freedom, equality and solidarity. We consider human dignity and freedom to be fundamental values. We believe that people anywhere in the world should have the right to make decisions about their lives and to share the rights expressed in the Universal Declaration of Human Rights. For more information please visit <https://www.clovekvtisni.cz/en/>

PIN's head office is in Prague (Czech Republic), but there are branches in many countries including Bosnia and Herzegovina (BiH) where it is registered in Ministry of Justice as Foreign international non-profit organization (Strana i međunarodna neprofitna organizacija).

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

Overall objective

The role of expats working with PIN BiH is to improve the communication between PIN HQ in Prague, Czech Republic and Bosnia and Herzegovina Country Programme, ensure organization's mission and vision are fully implemented in all PIN BiH activities, manage and monitor implementation of projects and secure funding for future projects PIN BiH leads or is a partner of, and facilitate joint activities between PIN BiH, international organizations, local civil society organizations and local authorities in order to improve the living conditions of citizens of BiH. Expats also provide expertise in specific fields, such as climate change, energy efficiency and so on.

Purpose

The preferred bidder(s) will be required to enter into a framework contract of fixed price with one bidder (Purchase orders – PO) for a period of 12 (twelve) months with PIN for the provision of legal services on conditions set out in these Terms of References. The purpose of this Contract is to provide legal opinion and legal support to Operations team of PIN BiH in the process of obtaining new and extending temporary residency visas and work permits for expat staff of PIN BiH.

Results to be achieved by the Contractor

- The contractor should provide legal support for extending temporary residence visas and work permits for six expats working in PIN BiH and their families.
- The contractor should provide drafts of necessary documents for the purpose of extending temporary residency visas and work permits for employees and their families
- The contractor should provide legal opinion and legal support for up to 10 new expats seeking temporary residency visas and work permits
- The contractor should ensure good communication between PIN, Office for Foreigners, Employment Bureau and police.
- Consultations related to labour law

3. SCOPE OF THE WORK

The Contractor will be responsible for providing expert legal support to PIN Office in Bosnia and Herzegovina regarding BiH immigration laws, namely in securing smooth and timely process of renewing temporary residency visas and work permits for expat staff members of PIN Office in Bosnia and Herzegovina and their families and obtaining temporary residency visas and work permits for new expat staff that may come.

Following tasks are to be implemented by the Contractor at the request/in consultation with the Contracting Authority:

- Provide legal support in the process of extending temporary residence visas for six staff members of PIN in BiH and four minors.
- Ensure smooth and timely communication between PIN in BiH and local authorities on state and local level (border police, Office for foreigners, Police, Employment bureau, etc).

Project management

Responsible body

Body responsible for the management of this contract is the Contracting Authority – **People in Need Office in Sarajevo**, Bulevar Ivica Osima 33, 71000 Sarajevo.

Management structure

The Contractor will perform all tasks and duties in cooperation with **PIN Regional Representative, Deputy Head of Systems and Operations** and **HR and Administration Officer**.

HR and Administration Officer from PIN is responsible for communicating with the Contractor, providing necessary documentation from PIN in BiH, consultants' invoices, addenda to the Contract and any other requests related to the Contract.

Regional Representative and DHoSO will supervise and monitor the implementation of the Contract on behalf of the Contracting Authority.

4. TIMING

Start date & Period of implementation of tasks

The intended start date is February 2024 and the period of implementation of the contract will be 12 months, until end of February 2025.

5. Outcome of the selection process

The contract awarded from this tender to successful supplier(s) is a Framework agreement (FWA) of fixed price. A framework is a non-exclusive agreement with a single supplier to establish terms governing contracts that may be awarded during the period of the Framework agreement. In other words, it sets out terms and conditions for making specific purchase at a set price. PIN, as the contracting authority, does not guarantee any volume of orders under Framework agreements as all purchases will be based on the needs and activities of PIN.

The FWA will set prices for the FWA duration of 12 months. During the framework agreement contract individual purchases will be initiated by Purchase orders (PO).

The engagement will be on a monthly basis between 4-10 hours of consulting engagement on average, with a higher or reduced need depending on the dynamics of the project itself.

Each Purchase Order shall specify the following information for each delivery:

Note: information may differ, adjust accordingly:

- The description of services;
- The total quantity ordered;
- The total Purchase Price;

6. Offer Procedure

If You require any clarification relating to the ToR, such question should be sent to PIN by e-mail to the following e-mail address: procurement.bih@peopleinneed.net.

Bidders must write their questions in English.

Questions could be answered only until January 26th, 2023. PIN does not guarantee that all questions will be answered.

Offer must remain valid for the period of 60 days from the date of closing unless withdrawn in writing before the close of tenders.

Offers have to be submitted to PIN at the following email address: procurement.bih@peopleinneed.net before closing date and time: **Sunday, January 28, 2023 at 23:59h (CET: UTC+01:00)**. Bids received after the closing date & time will not be considered. Email subject line should contain the following text: Tender Legal Services – “Company Name/Name of expert”

7. Qualifications and Requirements

The consultant should meet the following qualifications and requirements:

- The service provider (Contractor) should be proficient in both spoken and written English to ensure effective communication with clients and other stakeholders.
- The service provider must possess the necessary legal qualifications and be duly accredited to provide legal services in the relevant jurisdiction (submit valid document)
- Eligibility_sworn_statement – Annex 1 (signed and stamped)

8. Proposal Submission

Interested consultants should submit a proposal that includes:

- A cover letter expressing interest and highlighting relevant experience.
- Detailed curriculum vitae outlining qualifications and experience.
- Examples of previous projects and advisory services related Residence permit and work permit.
- A fee proposal, price of services per residence permit and legal advice related to labor law per hour (in net amount), both amounts must be shown separately in the offer

PIN will review all applications submitted in due time. Applications submitted after the deadline or applications that do not contain necessary items as described above may not be taken into consideration.

The evaluation committee will evaluate bids as follows:

- Financial offer - 30%,
- Technical evaluation (Experience and expertise of consultant/consultancy team (CVs, list of references sample of work, references)) - 70 %.

Point evaluation (weighted points) – technical part of the offer will obtain between 0 and 5 point, 5 points being the maximum, 0 points the minimum and the points obtained will be multiplied by criterion weight.

Technical evaluation	
Score	Benchmark
5	CVs, list of references or sample of work, references with no weaknesses shown and exceeds the requirement - also provides comprehensive, detailed, and convincing assurances that the services will be delivered to an excellent standard
4	CVs, references or sample of work, references demonstrate real understanding and fully meets the requirements - offers assurances that the service delivered will be of a high standard
3	CVs, references or sample of work, references which demonstrates a reasonable understanding of the requirements and gives reasonable assurance of delivery of services to an adequate standard, but does not provide sufficiently convincing assurance to be able to award them a higher mark
2	CVs, references or sample of work, references - lacks full credibility/convincing detail, and there is a significant risk that the response will not deliver/be successful
1	CVs, references or sample of work, references with very little experience, references and with an incomplete methodology.
0	Response completely fails to address the criterion under consideration. No documentation was submitted or the submitted documentation does not have any reference to the objectives from the ToR

The evaluation result of this criterion equals the following formula: $\text{Points B} / \text{Points A} * \text{criteria weight}$.

Points A = highest points score from all submitted offers; Points B = actual points score received from committee

For price, the following formula will be used: $\text{Price A} / \text{Price B} * \text{criteria weight}$.

Price A = most convenient price for PIN from all submitted offers

Price B = actual price offered by the Bidder.

For each Bidder marks for all criteria are summed up to obtain Total Evaluation. Supplier with highest sum of marks is the winner of this Procurement process.

In case of equal number of points, the winning bid will be the one with the lowest price.

Payment Arrangements

Payment for services will be negotiated and defined in the contract. It may be structured as periodic payments, milestone-based payments, or as mutually agreed.