



Minutes of Pre-Proposal Conference for

**REQUEST FOR PROPOSAL
Ref: UNDP/SOM/ROL/RFP/2019/019 (RE-ADVERTISEMENT)
For Implementation of Legal Aid Services in Baidoa, Kismayo,
Jowhar and Dhusamareb in Somalia**

Date: July 29, 2019
Time: 11:00H to 13:05H (GMT+3)
Venue: Via Skype Conference Call format

Participants:

Participants included interested prospective Proposers, UNDP Rule of Law & Security Portfolio and Procurement Unit representatives.

Introduction

The UNDP Procurement Associate welcomed and thanked prospective Proposers for participation, introduced the UNDP team then, asked prospective Proposers to introduce themselves.

Next, the Procurement Associate explained the purpose of the conference was to help Proposers understand key requirements of the Request for Proposal (RFP) in order to get a clear understanding of administrative, technical and financial aspects of the RFP prior to submitting the formal Proposal to UNDP. It also presented an opportunity to prospective Proposers to seek clarification on the RFP document, through a Question and Answer (Q&A) session.

Background of the RFP

The UNDP stated the objective of the RFP was to engage one or more qualified and eligible organisation(s) to provide legal aid services to vulnerable populations who cannot afford/do not have access to justice services in the target locations in Somalia. Services will be provided under four LOTS in the target geographical locations. Proposers can bid for one or more LOTS subject to submission of complete requirements for each LOT. The process will ultimately result in award of a Long-Term Agreement(s) to the winning Proposer(s) for each complete LOT for an initial period of one year with a possibility of extension of two additional one-year terms solely at the discretion of UNDP subject to performance and availability of funds.

Review of the RFP Document

A brief presentation was made on key aspects of the RFP document highlighting the importance of specific sections in the document and the need for Proposers to comply with these for their proposals to be considered responsive. Below is a summary of key points highlighted during the meeting.

The RFP consists of the following documents:

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Section 1: Letter of invitation

Letter from UNDP to Prospective Proposers inviting them to participate in this RFP and states the documents contained in the RFP document.

Section: 2: Instructions to Bidders

This section is crucial because it gives UNDP instructions on how Proposers should respond to the RFP. It provides information on:

- General Provisions;
- Preparation of Proposals;
- Submission and opening of Proposals;
- Evaluation of Proposals;
- Award of Contract.

Section 3: Bid Data Sheet (BDS)

This section complements, supplements or amends the provisions in the RFP. Highlights in this section were:-

- Mode of Submission: **Electronic Submission via email only.**
- Mandatory designated secure email address for submitting proposals as specified in the RFP document: bids.so@undp.org Please note this email address is different from the below designated email addresses for requesting clarifications.
- Designated email address for requesting for clarifications: procurement.so@undp.org
- Deadline for requesting clarifications: Three (3) working days before proposal submission deadline. All queries must be submitted in writing. Telephone enquiries will not be accepted.
- Bid validity: 90 days.
- Bid Submission Deadline: **August 5, 2019 at 13:00H East Africa Time (GMT+3).**
- Eligibility documents required: **All RFP Forms A to G and supporting documents specified in Form B of the RFP document.**
- Technical proposal must be submitted separately from the financial proposal.
- Technical proposals can be submitted in as many emails as needed but each email should be numbered accordingly, e.g. Email 1 of 3, 2 of 3, 3 of 3 etc., of technical proposal in PDF format. **Each email must not exceed 10MB. No financial information whatsoever should be included in the technical proposal. Technical proposals that include financial information will be disqualified.**
 - The technical proposal must state LOT bid for;
 - If bidding for more than one LOT, the Proposer must submit a separate technical proposal for each proposed LOT via a separate email indicating the LOT Bid for.
- Financial Proposal (Forms F and G) must be signed, stamped and submitted in PDF format in separate email from the technical proposal.
- **Financial proposals must be password protected.** Failure to do so will lead to automatic disqualification of proposal.
 - The financial proposal must state LOT bid for;
 - If bidding for more than one LOT, the Proposer must submit a separate financial proposal for each proposed LOT via a separate email indicating the LOT Bid for.

The password for the financial proposals **must not be sent to UNDP until officially requested by UNDP if the Proposal is deemed technically qualified.** Proposers will have 48 hours to respond to the request for password from UNDP.

Section 4: Evaluation Criteria

- **Preliminary Examination:** Proposals will be examined to establish completeness based on a yes/No (pass/fail) basis. Only complete proposals will be passed for minimum eligibility and qualification evaluation.

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- **Minimum Eligibility and Qualification Criteria:** Evaluation will be based on submission of all information/supporting documents requested under specific headings in the table. Forms A to G and supporting documents specified in Form B enable UNDP to ascertain if Proposer meets qualifications set out by UNDP for participation in this RFP thus, must be completed and relevant supporting documents attached. Proposers must meet all pass/fail criteria to qualify for detailed technical evaluation.
- **Technical Evaluation:** Only proposals that pass the minimum eligibility and qualification stage will be admitted for detailed technical evaluation. Proposals will be evaluated based on responsiveness to the Terms of Reference (TOR) in relation to Proposer's qualification, capacity and expertise; proposed methodology, approach and implementation plan and, management structure and key personnel. The same evaluation criteria will be applied across all LOTS. Only proposals that attain a score of at least 70% at this stage will be passed for financial evaluation.

Section 5: Terms of Reference

This section outlines the context of services being sought by UNDP, goal/objectives, scope of work, deliverables/expected outputs, institutional arrangements between UNDP and contractor(s), duration of contract and proposer's qualifications at both organisational and staff levels.

Section 6: Returnable Bidding Forms

- **Form A: Technical Proposal Submission Form**
This is the standard template of the cover letter that should be prepared and submitted on the proposing organisation's official letterhead. It should not be changed except as stated because it contains important information required by UNDP. This form must be signed by the Proposer's authorized signatory and stamped with Organisation's stamp.
- **Form B: Bidder Information Form**
This form and supporting documents enable UNDP to ascertain that the Proposer meets the qualifications set out by UNDP for participation in this bid, hence must be completed and all relevant supporting documents attached.
- **Form C: Joint Venture/Consortium/Association Information Form**
This form and supporting documents should be completed and returned if Proposer is bidding as a Joint Venture/Consortium/Association.
- **Form D: Qualification Form:**
This form and supporting documents enable UNDP to ascertain Proposer meets the qualifications set out by UNDP for participation in this RFP, thus, must be completed and all relevant supporting documents attached.
- **Form E: Format of Technical Proposal**
This form provides the format of the technical proposal and will be used by UNDP to evaluate the Proposer's technical capacity to fulfil the TOR under the following three main headings: -
 - Bidder's qualification, capacity and experience required to implement RFP activities;
 - Proposed methodology and implementation plan;
 - Management structure and key personnel.It also explains information which albeit not limited to, should at a minimum be included under the three main headings of technical proposal format.
- **Form F: Financial Proposal Submission Form**
 - To be completed in the standard format provided on the Proposer's letterhead. It **must be signed, stamped, password protected in PDF format and submitted in a separate email from the technical proposal;**
 - Currency of proposal is United States Dollar (USD).
- **Form G: Financial Proposal Form**
 - This provides the format for the financial proposal. It **must be signed, stamped, password protected in PDF format and submitted in separate email from the technical proposal;**
 - Currency of proposal is United States Dollar (USD).

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The above Sections provide crucial information which Proposers are urged to read carefully prior to preparation and submission of proposals.

Award of Contract

Award will be made to one or more Proposers based on Lowest financial offer among technically responsive and qualified proposals per each complete LOT.

Clarifications Sought by Prospective Proposers

During the Conference, the following questions were asked by Proposers;

Query No.	Clarifications Sought by Proposers	Answer	UNDPs Response to Query
Q1	How will experience of Joint Venture (JV) submissions be determined?	A1	Please refer to Clause B14 (Joint Venture, Consortium or Association) in Section 2 (Instructions to Bidders) of the RFP document (p8) and Forms C and D of the RFP. If a JV already exists, a JV/Consortium/Association agreement must be submitted with the proposal. If the JV will be formed afterwards, a Letter of Intent to form a JV signed by all JV Parties must be submitted with the proposal.
Q2	It is not possible to password protect a PDF document, hence, must financial proposals be submitted in PDF format?	A2	It is possible to password protect a PDF document. Hence, YES , the financial proposal must be signed, stamped, password protected in PDF format . Proposers are advised to submit their proposals in good time to avoid last minute hitches that may result in submission of unsigned/non-password protected financial proposals and by default, automatic disqualification of proposal.
Q3	Somalia does not have a formal tax system. Thus, what documents should Somali registered organisations present?	A3	<ul style="list-style-type: none"> • UNDP clarified that the Federal Government of Somalia (FGS) has implemented a tax system including issuance of bar-coded tax payment/clearance certificate. However, if this is not available, Proposers can submit a formal letter issued by the Ministry of Finance of the FGS confirming Proposer has met its tax obligations as required by National Law. • UNDP further clarifies the Government of Somaliland also issues tax payment/compliance certificates.
Q4 (a)	Whereas the UN is tax exempt, other organisations are not. How will UNDP ensure vendor does not incur tax loss?	A4 (a)	UNDP, as a subsidiary organ of the United Nations, is exempt from direct taxes such as income tax, and is entitled to reimbursement of indirect taxes, such as sales tax and VAT on important purchases. This is derived from the Convention on the Privileges and Immunities of the United Nations.
Q4(b)	UN Somalia lacks a uniform approach in application of tax exemption on UN contracts. Some Agencies include a clause/statement in their contracts stating their contracts are tax exempt while others do not. As the criteria for award is based on lowest priced technically responsive proposal and the	A4(b)	UNDP contracts are tax exempt. However, exemption only applies to UN contracts, therefore, Proposer remains subject to taxation on all non-UN related contracts they hold in accordance with National Law.

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	government does not have a strong tax enforcement system, this could result in an uneven playing field because whereas tax compliant Somali organisations will factor this in the proposal, those that do not comply may not.		
Q5	Is experience required for organisations in provision of legal aid limited to Somalia?	A5	No. The requirement is demonstration of implementation of legal aid awareness/access to justice related activities to vulnerable populations in fragile/post conflict contexts. However, Somalia experience is preferable, i.e. an advantage. Please refer to Section 4 (Technical Evaluation Criteria [Bidder's Qualification, Capacity and Expertise,1.1]) and Section 5 (Terms of Reference [Qualifications of Organization]) for further clarification.
Q6	Somalia has not had a regulatory framework on provision of legal aid for the last 30+ years during which the gap was filled by legal aid organisations which provided pro bono representation and advisory services both under traditional and common-law systems. Therefore, besides formal contracts, how can such organisations demonstrate relevant experience?	A6	UNDP clarifies that; - <ul style="list-style-type: none"> • services provided in individual capacities as lawyers should be reflected in the individual's CV and, should provide the name of the courts where the person has practiced cases. • Where pro bono services were provided at organisational level and pro bono contracts are not available, Proposers should provide copies of reports, statements of satisfactory performance and contact details (name of organization, name of contact person, email address and telephone number) to facilitate reference checks by UNDP.
Q7	Demonstrated experience in preparation of case files for clients facing legal problems and representation of cases in the Judiciary is a requirement for this RFP. However, this information is subject to attorney-client privilege. What alternative methods can Proposers use to demonstrate this experience without breach of attorney-client privilege?	A7	Proposers should provide list of: - <ul style="list-style-type: none"> • Courts where the cases have been practiced; and • Types of cases that the organisation/lawyer has taken up on an annual basis.
Q8	Is the date for commencement of contract specified in the RFP the firm start date of the proposed contract?	A8	This is an indicative date and is subject to various factors such as number of proposals received and need for clarification by UNDP on proposals received (where applicable). To moderate extensive clarifications sought on proposals, Proposers are urged to ensure submission of complete proposals on initial submission. Notwithstanding, UNDP will try to ensure a start-date within the stated period.
Q9	As some queries raised impact on preparation of the proposal, can UNDP extend the proposal submission deadline?		The proposal submission deadline is extended to August 13, 2019 at 13:00H East Africa Time (GMT+3).

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Conclusion.

UNDP re-emphasised the importance of strict compliance to submission requirements, particularly regarding timely submission, password protection of financial proposal and submission of proposal electronically via email to the mandatory designated email address, namely, bids.so@undp.org

Late submissions will be disqualified; proposals sent to or copied to any other UNDP email address will be disqualified; financial proposals that are not password protected will be disqualified.

The UNDP will post Minutes of this meeting on the UNDP Procurement and UNGM websites to ensure access to all prospective Proposers and will also directly circulate to participants of the pre-proposal conference. If Proposers have further queries after the pre-proposal conference, these should be sent to the email address provided for request for clarification, namely, procurement.so@undp.org. The UNDP will endeavour to provide responses to clarifications as soon as possible through the method specified in the Bid Data Sheet (BDS).

There being no other issues, the meeting adjourned at 13:05H.

Additional Information to the Minutes

Participation in the pre-proposal conference was not mandatory, thus, prospective Proposers that did not participate in the conference are also free to submit their proposals.