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## REQUEST FOR PROPOSAL (RFP 133/20)

NAME & ADDRESS OF FIRM	DATE: November 18, 2020
	REFERENCE: Legal study for setting out the legal framework for implementation of the Local Active Group (LAG) partnership model

Dear Sir / Madam:

We kindly request you to submit your Proposal for conducting Legal study for setting out the legal framework for implementation of the Local Active Group (LAG) partnership model (the detailed TOR is attached separately as Annex 1a).

Please be guided by the form attached hereto as Annex 2, in preparing your Proposal.

Proposals may be submitted on or before, **2 December 2020, 4:00 pm local Yerevan time (GMT +4)** via **email only**:

to the following e-mail address: [tenders.armenia@undp.org](mailto:tenders.armenia@undp.org)

Please note that proposals received through any other e-mail address will not be considered. Your Proposal must be expressed in the English, and valid for a minimum period of 60 days calendar days.

In the course of preparing your Proposal, it shall remain your responsibility to ensure that it reaches the address above on or before the deadline. Proposals that are received by UNDP after the deadline indicated above, for whatever reason, shall not be considered for evaluation. If you are submitting your Proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the RFP and all other annexes providing details of UNDP requirements.

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail and the total price shall be corrected. If the Service Provider does not accept the final price based on UNDP's re-computation and correction of errors, its Proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by UNDP after it has received the Proposal. At the time of Award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions attached hereto. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP, herein attached as Annex 3.

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. In the event that you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link:

<http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/>

UNDP encourages every prospective Service Provider to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link: [http://www.un.org/depts/ptd/pdf/conduct\\_english.pdf](http://www.un.org/depts/ptd/pdf/conduct_english.pdf)

Thank you and we look forward to receiving your Proposal.

Sincerely yours,

*Procurement Unit  
UNDP Armenia*

## Description of Requirements

Context of the Requirement	<b>Legal study for setting out the legal framework for implementation of the Local Active Group (LAG) partnership model</b>
Implementing Partner of UNDP	Ministry of Territorial Administration and Infrastructure
Brief Description of the Required Services <sup>1</sup>	The selected Consulting Company will assess and offer options on the legal status of Local Active Groups (LAG) in Lori and Tavush marzes, which will be created by the project in the future
List and Description of Expected Outputs to be Delivered	– As per Annex 1a – Terms of Reference (TOR)
Person to Supervise the Work/Performance of the Service Provider	Armen Tiraturyan, Lead for Local Empowerment of Actors for Development (LEAD) in Lori and Tavush regions
Frequency of Reporting	<i>As per TOR (Annex 1a) Expected Outputs</i>
Progress Reporting Requirements	<i>As per TOR (Annex 1a) Expected Outputs</i>
Location of work	<input type="checkbox"/> Exact Address as provided below <input checked="" type="checkbox"/> At Contractor's Location
Expected duration of work	2 months after contract signing by both parties.
Target start date	15 December 2020
Latest completion date	15 February 2021
Travels Expected	As per Annex 1a – Terms of Reference (TOR)
Special Security Requirements	<input type="checkbox"/> Others <input checked="" type="checkbox"/> Not Required
Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)	<input type="checkbox"/> Office space and facilities <input type="checkbox"/> Land Transportation <input type="checkbox"/> Others
Implementation Schedule indicating breakdown and timing of activities/sub-activities	<input checked="" type="checkbox"/> Required
Names and curriculum vitae of individuals who will be involved in completing the services	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required
Currency of Proposal	<input checked="" type="checkbox"/> United States Dollars (USD) <input checked="" type="checkbox"/> Euro <input checked="" type="checkbox"/> Local Currency (AMD) (will be converted in accordance to UNORE)

<sup>1</sup> A detailed TOR may be attached if the information listed in this Annex is not sufficient to fully describe the nature of the work and other details of the requirements.

Value Added Tax on Price Proposal <sup>2</sup>	<input type="checkbox"/> must be inclusive of VAT and other applicable indirect taxes <input checked="" type="checkbox"/> must be exclusive of VAT and other applicable indirect taxes			
Validity Period of Proposals ( <i>Counting for the last day of submission of quotes</i> )	<input checked="" type="checkbox"/> 60 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days In exceptional circumstances, UNDP may request the Proposer to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever on the Proposal.			
Partial Quotes	<input checked="" type="checkbox"/> Not Permitted			
Payment Terms <sup>3</sup>	Outputs	Percentage	Timing	Condition for Payment Release
	The final report, including all deliverables indicated in the Terms of Reference (Annex 1a)	100%	2 months contract signing,	Within thirty (30) days from the date of meeting the following conditions: a) UNDP's written acceptance (i.e., not mere receipt) of the quality of the outputs; and b) Receipt of invoice from the Service Provider.
Person(s) to review/inspect/ approve outputs/completed services and authorize the disbursement of payment	Armen Tiraturyan, Lead for Local Empowerment of Actors for Development (LEAD) in Lori and Tavush regions			
Type of Contract to be Signed	<input checked="" type="checkbox"/> Contract for Services			
Criteria for Contract Award	<input type="checkbox"/> Lowest Price Quote among technically responsive offers <input checked="" type="checkbox"/> Highest Combined Score (based on the 70% technical offer and 30% price weight distribution), where the minimum passing score of technical proposal is 70%. <input checked="" type="checkbox"/> Full acceptance of the UNDP Contract General Terms and Conditions (GTC). This is a mandatory criteria and cannot be deleted			

<sup>2</sup> VAT exemption status varies from one country to another. Pls. check whatever is applicable to the UNDP CO/BU requiring the service.

<sup>3</sup> UNDP preference is not to pay any amount in advance upon signing of contract. If the Service Provider strictly requires payment in advance, it will be limited only up to 20% of the total price quoted. For any higher percentage, or any amount advanced exceeding \$30,000, UNDP shall require the Service Provider to submit a bank guarantee or bank cheque payable to UNDP, in the same amount as the payment advanced by UNDP to the Service Provider.

	regardless of the nature of services required. Non acceptance of the GTC may be grounds for the rejection of the Proposal.
Criteria for the Assessment of Proposal	<p><b><u>Technical Proposal (70%)</u></b></p> <p><input checked="" type="checkbox"/> Expertise of the Firm (<b>max score: 350</b>), including:</p> <ul style="list-style-type: none"> <li>- Have at least 5 years of progressive experience in the relevant area of conducting legal, financial management and other related services (<b>max score: 150</b>);</li> <li>- Have experience in implementing projects in the sphere of governance/legislation, with emphasis of work with the state bodies/institutions and the communities (<b>max score: 100</b>);</li> <li>- At least 3 similar successfully completed works previously performed (<b>max score: 100</b>);</li> </ul> <p><input type="checkbox"/> Methodology, its Appropriateness to the Conditions and Implementation Plan (<b>max score: 300</b>), including:</p> <ul style="list-style-type: none"> <li>- Task implementation approach, including detailed description of implementation methods and milestones to carry out the proposed task; (<b>max score: 200</b>)</li> <li>- a detailed work plan with timelines for the Deliverables/Outputs (<b>max. score: 100</b>)</li> </ul> <p><input checked="" type="checkbox"/> Qualification of Key Personnel (<b>max score: 350</b>), including:</p> <ul style="list-style-type: none"> <li>- Lawyer (team leader) with minimum of 10-year professional experience in conducting complex analysis, legal studies and surveys (<b>max score: 150</b>);</li> <li>- Specialist in Management with minimum of 5-year professional experience in analysis of managerial decisions and strong in analytics (<b>max score: 100</b>)</li> <li>- Tax specialist with minimum of 5-year professional experience in field of tax legislation (<b>max score: 100</b>)</li> </ul> <p><b><u>Financial Proposal (30%)</u></b></p> <p>To be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by UNDP.</p>
UNDP will award the contract to:	<input checked="" type="checkbox"/> One and only one Service Provider.
Annexes to this RFP <sup>4</sup>	<input checked="" type="checkbox"/> Detailed TOR (Annex 1) <input checked="" type="checkbox"/> Form for Submission of Proposal (Annex 2) <input checked="" type="checkbox"/> General Terms and Conditions / Special Conditions (Annex 3) <sup>5</sup> <input type="checkbox"/> Others <sup>6</sup>

<sup>4</sup> Where the information is available in the web, a URL for the information may simply be provided.

<sup>5</sup> Service Providers are alerted that non-acceptance of the terms of the General Terms and Conditions (GTC) may be grounds for disqualification from this procurement process.

<sup>6</sup> A more detailed Terms of Reference in addition to the contents of this RFP may be attached hereto.

Contact Person for Inquiries (Written inquiries only) <sup>7</sup>	Procurement Unit, UNDP Armenia <a href="mailto:procurement.armenia@undp.org">procurement.armenia@undp.org</a> Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.
Other Information [pls. specify]	

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<sup>7</sup> This contact person and address is officially designated by UNDP. If inquiries are sent to other person/s or address/es, even if they are UNDP staff, UNDP shall have no obligation to respond nor can UNDP confirm that the query was received.

## Terms of Reference

Legal study for setting out the legal framework for implementation of the Local Active Group (LAG) partnership model

### Project Background

The Local Empowerment of Actors for Development (LEAD) in Lori and Tavush regions Project focuses on overcoming complex place-based development challenges associated with the growing territorial disparities in Armenia. The Project aims at bolstering the participation of a wide range of local stakeholders in sustainable and inclusive socioeconomic development of their communities through pilot implementation of the European Union (EU) LEADER<sup>8</sup>/ Community-Led Local Development (CLLD) approaches in Lori and Tavush Regions. The novelty of the LEADER/CLLD methodology is the way it differs from other development efforts – in its alignment with the integrated development paradigm, in placing the mobilization of local social capital at the centre of developmental efforts, and in giving voice and visibility to local people and their development ideas. The Project pursues the following objectives:

- Objective 1. Mobilize, capacitate and incentivize local actors to define community needs-driven strategies in Lori and Tavush regions.
- Objective 2. Build supporting infrastructure to prioritize, implement and sustain local-grown initiatives in Lori and Tavush regions.
- Objective 3. Improve the capacity of the relevant ministries and other bodies and develop policy mechanisms at the national level for successful piloting and sustainability of the LEADER approach in Armenia (policy component).

### Assignment Objective

The purpose of this assignment is to assess and offer options on the legal status of Local Active Groups (LAG) in Lori and Tavush marzes, which will be created by the project in the future.

### Scope of work

The institutional setup of the LAG will be operationalized through a legal status, defining its executive bodies and staff. By its structure LAG brings together public, private and civil society partners, and in this sense, it should allow a well-balanced representation of the existing local interest groups. Its legal form varies from country to country, but partnerships often have a non-profit status. It is a basic criterion that at the decision-making level, private partners and civil society representatives must make up at least 50%, plus one person. In some countries, LAGs are not-for profit limited liability companies created by their members (municipalities, businesses and civil society organizations). In other countries, the form of the LAG organization is a public association. In a third group of countries, the LAG is represented legally by one of the legal members (a so-called Accountable Body) of the LAG partnership. In LEAD Programme, this third type of LAG organization will be established.

The Program will pilot different models based on the findings of the legal study, the EU experience as presented during the study tour and UNDP vast expertise and best practices of establishing multipartite community-based organization.

Based on the objectives of the project, the following activities are expected from the legal advisory organization:

- To study those legal possibilities enshrined in the RA Civil Code, which allow to include different actors, in particular, civil society actors, the business sector, local self-government bodies and / or other actors interested in local economic and social development to unite for

<sup>8</sup> From the French: “Links between the Rural Economy and Development Actions”.

a common purpose and come up with a partnership agreement for the creation of Local Active Groups within the framework of the Project without forming a legal entity or creating a new legal entity, the founders of which will be separate legal entities and will represent the civil society, business community, local self-government bodies (LLC, NGO, CJSC, OJSC, Fund, etc.),

- To develop a methodology /regulation for selecting a representative of the business community, civil society and local government representatives from the areas of common development, which can represent the voice of the sector in the Local Active Group.
- Develop the proposed model management mechanisms: governing bodies, executive, representative, audit, control, financial management, accountability mechanisms; substantiate the non-conflicting nature of the governing mechanisms of the newly formed body with the statutory, tax and reporting legal requirements of the individual members of the Local Active Group (considering that they represent several organizations in the same field).
- Develop a Memorandum of Cooperation between the parties entering into partnerships in local economic and social development, in accordance with the RA Civil Code and laws regulating the spheres (with references)
- To examine the activities, strengths, weaknesses, successes or failures of similar alliances in Armenia, operating till today.

#### **Expected Outputs and Deliverables**

60 calendar days from the date of signing the contract.

#### **Qualification of the organization**

Proposal can be submitted by legal consulting firms, having legal status, with experience in the above-mentioned works.

- Have at least 5 years of progressive experience in the relevant area of conducting legal, financial management and other related services;
- Have experience in implementing projects in the sphere of governance/legislation, with emphasis of work with the state bodies/institutions and the communities;
- At least 3 similar successfully completed works previously performed;

#### **Qualification of the key personnel**

- Lawyer (team leader) with minimum of 10-year professional experience in conducting complex analysis, legal studies and surveys,
- Specialist in Management with minimum of 5-year professional experience in analysis of managerial decisions and strong in analytics,
- Tax specialist with minimum of 5-year professional experience in field of tax legislation.

#### **Payment mode**

The final payment will be made upon completion of the assignment, according to the submitted report, accepted by the project experts, about completion of the relevant task on time, based on the signed handover-acceptance act.



## Annex 2 - FORM FOR SUBMITTING SERVICE PROVIDER'S PROPOSAL<sup>9</sup>

*(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery<sup>10</sup>)*

[insert: Location].

[insert: Date]

To: [insert: Name and Address of UNDP focal point]

Dear Sir/Madam:

We, the undersigned, hereby offer to render the following services to UNDP in conformity with the requirements defined in the RFP dated [specify date], and all of its attachments, as well as the provisions of the UNDP General Contract Terms and Conditions:

**A. Qualifications of the Service Provider**

*The Service Provider must describe and explain how and why they are the best entity that can deliver the requirements of UNDP by indicating the following:*

- a) Profile – describing the nature of business, field of expertise, licenses, certifications, accreditations;
- b) Business Licenses – Registration Papers, Tax Payment Certification, etc.
- c) Latest Audited Financial Statement – income statement or balance sheet to indicate its financial stability, liquidity, credit standing, and market reputation, etc. ;
- d) Track Record – list of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contract references (The applicant organization/company shall provide two written references regarding previously completed similar assignments, as well as examples of produced knowledge products (reports, other));
- e) Certificates and Accreditation – including Quality Certificates, Patent Registrations, etc.
- f) Written Self-Declaration that the company is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.

**B. Proposed Methodology for the Completion of Services**

*The Service Provider must describe how it will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work.*

**C. Qualifications of Key Personnel**

*If required by the RFP, the Service Provider must provide:*

- a) Names and qualifications of the key personnel that will perform the services indicating who is Team Leader, who are experts, etc.;
- b) CVs demonstrating qualifications must be submitted; and
- c) Written confirmation from each personnel that they are available for the entire duration of the contract.

<sup>9</sup> This serves as a guide to the Service Provider in preparing the Proposal.

<sup>10</sup> Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes

D. **Cost Breakdown per Deliverable\***

	<b>Deliverables</b> <i>[list them as referred to in the RFP]</i>	<b>Percentage of Total Price (Weight for payment)</b>	<b>Price (Lump Sum, All Inclusive)</b>
1	The final report, including all deliverables indicated in the Terms of Reference (Annex 1a)	100%	
	Total	100%	

*\*This shall be the basis of the payment tranches*

E. **Cost Breakdown by Cost Component [This is only an Example]:**

<b>Description of Activity</b>	<b>Remuneration per Unit of Time</b>	<b>Total Period of Engagement</b>	<b>No. of Personnel</b>	<b>Total Rate</b>
<b>I. Personnel Services</b>				
1. Services from Home Office				
a. Key Expert 1				
b. Key Expert 2				
c. ...				
d. Expert 3				
e. Expert 4				
f. ...				
2. Services from Field Offices				
a. Key Expert 1				
b. Key Expert 2				
c. Expert 3				
d. Expert 4				
3. Services from Overseas				
a. Expertise 1				
b. Expertise 2				
<b>II. Out of Pocket Expenses</b>				
1. Travel Costs				
2. Daily Allowance				
3. Communications				
4. Reproduction				
5. Equipment Lease				
6. Others				
<b>III. Other Related Costs</b>				
<b>TOTAL</b>				

*[Name and Signature of the Service Provider's  
Authorized Person]*

*[Designation]*

*[Date]*



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## **Annex 3- UNDP GENERAL CONDITIONS OF CONTRACT FOR SERVICES**

**(attached separately)**