

Terms of reference (ToRs) for the procurement of services below the EU threshold



Support and advise the GIZ country office in Georgia in legal affairs	Project number/ cost centre: 03.9207.6-001.00
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1. Context

As a service provider with worldwide operations in the fields of international cooperation for sustainable development and international education work, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH works with its partners to develop effective solutions that offer people better prospects and sustainably improve their living conditions. GIZ is a public-benefit federal enterprise and supports the German Government and a host of public and private sector clients in a wide variety of areas, including economic development and employment promotion, energy and the environment, and peace and security.

2. Scope of works

The objective of the assignment is to support and advise the GIZ country office in Georgia in legal affairs, provide timely written legal advice in all emerging judicial cases and if necessary, represent the company at different government entities, at court or at any other third party.

3. Task of the consulting company

1. Review and analyze legal documentations that covers but is not limited to procurement contracts, service contracts, MoU or contracts with national governmental and non-governmental project partners, general terms of contracts, rental contracts, insurance contracts.
2. Submit written reports with risk assessment and recommendations.
3. Draft the legal documentation according to the given recommendations.
4. Provide verbal / written legal consultancy about different subjects within the field of tax law, administrative law, social law, civil law, commercial law, corporate law (inclusive private law).
5. Submit up-dates, reviews, risk assessment or recommendations about new or amended regulations which have a direct impact on GIZ operation in Georgia.
6. Develop drafts of new legal documentation upon request.
7. Represent GIZ at different governmental entities, court or any other third party.

4. Deliverables

- Revision of existing legal documentation (within 2-4 weeks)
- Legal consultancy upon request (within 1-5 working days)
- Development of legal documentations (1-4 weeks)
- Development of legal recommendations in order to comply with Georgian regulation (within 1-2 weeks)
- Working language both English and Georgian (German language would be an asset)

5. Requirements

Proposed staff

Education: university degree in law

Language skills: business fluency in Georgian and English

Professional experience:

1. Expert in tax law – at least 3 years of working experience
2. Expert in administrative law – at least 3 years of working experience
3. Expert in corporate law – at least 3 years of working experience
4. Expert in social law / labor law - at least 3 years of working experience
5. Expert in civil law – at least 3 years of working experience
6. One lawyer with the attorney certification and at least 3 years of working experience as an Attorney – General

The company has to provide **one** expert/counterpart as a contact person for all relevant issues (one of the above-mentioned experts).

6. Documents to be submitted

Technical Proposal

1. Company profile
2. Information on projects of similar nature
3. Extract of register
4. Team: CVs for the proposed staff and at least 1 certificate of attorney

Financial Proposal:

Please provide an average fee rate per hour per experts mentioned above.

Financial offer shall indicate a fee rate excluded VAT.

The proposed fee rate of experts should cover all personnel costs, including ancillary personnel costs; backstopping, communication and reporting costs; and all overheads, profit, interest, risks, etc.

7. Confidentiality

The selected consultant shall not disclose any data or information pertaining to this mission to anyone. The consultant shall also clearly list all sources of information pertaining to this mission. The consultant should at no time disclose – whether during the service hours or

outside service hours – any of the information related to GIZ, its work regulations or any other private work issues to any persons other than those in charge or those authorised in this regard unless a written authorisation is obtained, in this regard, in advance from GIZ – Head of Finance and Head of HR Department.

The consultant shall be committed to keeping the industrial, technical, commercial, and professional secrets of GIZ. Also maintain the confidentiality of the information, data, documents, computer programs and its data, or information saved on computer, USB memory sticks etc. which is informed about in line of being in service of due to being presence at GIZ. Also, the selected consultant may not disclose or leak any of those information, accounts, news or ideas even after the expiry of the service contract.

Otherwise, GIZ shall have right to claim compensation, in accordance with the provisions of the current Georgian laws in force. Furthermore, providing others´ with access to any of this information shall also be regarded as information disclosure.