

TERMS OF REFERENCE

For

LEGAL SERVICES

MSK-03/17/05/2018

1. BACKGROUND TO MARIE STOPES KENYA (MSK)

Since 1985 Marie Stopes Kenya (MSK) has prided itself in providing a wide range of high quality, affordable and client- centered reproductive services to men, women and young people in collaboration with the Government of Kenya. We promise to offer you a warm, comfortable and reassuring experience from the moment you enter our doors

Our centers lead by example, setting the standards of excellence for clinical quality and family planning services. This includes creating a calm and inviting environment and teams of professional and passionate people, who put our clients first.

We also replicate this quality through everything we do, whether that's our mobile outreach teams, Amua network, contact centre teams and the products we supply. Wherever you see the Marie Stopes brand, you should always expect the best possible and affordable experience.

2. OBJECTIVE

MSK hereby seeks to create a pool of preferred service providers to provide legal services to the MSK on an ad hoc basis. Suitable firms of legal practitioners are hereby required to submit their intent for participation on the preferred supplier database.

3. SCOPE OF SERVICES

The successful firms will be required to render legal services to the MSK in the following areas:

- Provision of regulatory support and legal advice relating to either or collectively with regard to emphasis to Skills Development, Labour Relations, Employment Relations, Public Finance Management Act, Public Preferential Procurement Framework Act, Treasury Regulations and any other legislative prescripts
- Litigation and litigation support relating to areas as identified above including any other courts of law, statutory tribunals and other bodies
- Providing legal opinion on the interpretation of high risk and complex contracts to be concluded by the MSK and third parties taking into account all respective legislation. In addition, reviewing of any other related contract matters
- Recovery of litigation costs

- Defending or instituting civil actions instituted by or against the MSK in any court

4. EXPECTED OUTCOMES AND MINIMUM REQUIREMENTS

- Proof that the bidder has been in existence and practice for a period of at least five (5) years prior to the closing date of this request for the proposals
- Fidelity certificate issued in terms of the Attorneys Act, 1979
- Letter of good standing with the relevant Law Society
- Record of Infrastructure:
 - o confirmation of the premises from which the bidder conducts its business,

- o the bidder's communication and documents service facilities (i.e. the lead attorney and his support staff's e-mail address, telephone and facsimile number) and;
- o computer systems used by the bidder.
- o Lead attorney's (s) proof of qualifications and admission as an attorney.
- o Curriculum vitae of the lead attorney (s) reflecting the following:
 - o Qualifications;
 - o Area (s) of service and years of experience in the identified area (s) of service
 - o Record of attendance, i.e. record of attendance and summary of four (4) complex matters attended to by the lead attorney (s) under the identified areas of service in the last two (2) years prior to the closing date of this request for proposals.
 - o Proof that the lead attorney (s) has at least seven (7) years' post admission experience in the identified area (s)
 - o In-cases where the firm of attorneys has more than one area of service as recorded in paragraph 3 above, all the relevant areas of service must be recorded in the proposal together with the details of the relevant lead attorney

5. QUALITY ASSURANCE REVIEWS OF THE WORK

Quality Assurance of the assignment provided in a form reporting to the duly nominated MSK official adhering to agreed timeframes.

6. MONITORING PROGRESS OF ASSIGNMENTS

MSK shall monitor and evaluate the progress of the assignment/s on an ongoing basis.

7. INDEPENDENCE AND OBJECTIVITY OF STAFF

In carrying out the work, the service provider must ensure that its staff maintains their objectivity by remaining independent of the activities they execute.

8. PRICING

- A detailed fee breakdown structure, inclusive of the lead attorney's fee, must be included
- All pricing must be shown inclusive of any applicable VAT

Note: Failure to meet the requirements may result in the organization not been listed on the preferred supplier database.

Award Criteria

We will evaluate the bids based on the requirements above using the following weighting:

Criteria	Weighting
Proven experience of the proposed team in providing relevant legal services (charity sector, medium size organizations , international development)	25%
Value for money – this does not mean the cheapest bid we will be assessing the overall offer from your organization for this contract.	25%
Interaction during tendering and quality of your formal offer. This is not how your proposal looks	25%

but we will focus on the contents and how it meets our specifications as well as the personal interaction of yourself with the MSK panel
The firms specialism in the charity sector

25%

Decision Panel

The decision panel will contain the following individuals:

All Members of the Procurement Committee

Timescales

:

Activity	Date
Advert	23/05/2018
Clarifications and Queries	24/05/2018-07/06/2018
Closing and Submission on or Before	13/06/2018
Opening	14/06/2018
Analysis and Award	16-30/06/2018

Queries

All queries in connection with this tender should be made by email to: quotations@mariestopes.or.ke
To ensure a fair and transparent tender process, no approach of any kind in connection with this tender should be made to any other person within or associated with MSI. Failure to comply may result in disqualification from the process.

Offer Return

Your completed response to our tender and associated documents must be submitted in an envelope clearly marked LEGAL SERVICES-MSK-03/17/05/2018. Five hard copies and a soft copy may be submitted upon request in pdf format. They should be addressed to:

The Procurement Committee-Marie Stopes Kenya
The Mirage. Tower One, 6th Floor-Waiyaki Way
P.O Box 59328-00200
Nairobi