

Agricultural Value Chains Project in Bangladesh (AVC)

Request for Quotation (RFQ)

No. AVC-Dhaka-048

WARNING: Prospective Offerors who have received this document from a source other than the AVC Project, should immediately contact AVCprocurement@dai.com and provide their name and mailing address in order that amendments to the RFQ or other communications can be sent directly to them. Any prospective Offeror who fails to register their interest assumes complete responsibility in the event that they do not receive communications prior to the closing date. Any amendments to this solicitation will be issued and posted via email.

1. Request for Quotation

DAI, implementer of the USAID funded Agricultural Value Chains (AVC) Project, invites qualified firm to submit quotation/bids to provide Legal Services for its project, as outlined below.

1. RFQ No.	AVC-Dhaka-048
2. Issue Date	January 29, 2018
3. Title	Legal Services
4. Issuing Office & Email/Physical Address for Submission of Quotations	Attn: Procurement Department, Agricultural Value Chains (AVC) Project, House 5, Road 78, Gulshan North, Dhaka-1212, Bangladesh. Email: AVCsolicitation@dai.com
5. Deadline for Questions	Questions due by 1 pm local Dhaka, Bangladesh time on Thursday, February 1, 2018. Each Offeror is responsible for reading very carefully and understanding fully the terms and conditions of this RFQ. All communications regarding this solicitation are to be made solely through the Issuing Office and must be submitted via email or in writing delivered to the Issuing Office no later than the date specified above. All questions received will be compiled and answered in writing and distributed to all interested Offerors.
6. Deadline for Receipt of Quotations	Quotations due by 5:00 pm local Dhaka, Bangladesh time on Monday, February 5, 2018.
7. Contact Person	AVCprocurement@dai.com
8. Anticipated Award Type	DAI anticipated issuing a Firm Fixed Price Purchase Order. This is only the anticipated type of award and may be changed as a result of negotiations. Offerors may quote for all or some of the items. Multiple awards may be made, depending on the availability of all items. Issuance of this RFQ in no way obligates DAI to award a subcontract or

	<p>purchase order and offerors will not be reimbursed for any costs associated with the preparation of their bid.</p>
<p>9. Basis for Award</p>	<p>An award will be made based on the Lowest Price, Technically Acceptable Source Selection process. The award will be issued to the responsible Offeror submitting the lowest evaluated price that meets or exceeds the acceptability requirements for technical/non-cost factors described in this RFQ.</p>
<p>10. General Instructions to Offerors</p>	<ul style="list-style-type: none"> • Late offers will be rejected except under extraordinary circumstances at DAI's discretion. • Submission of Quotation - Quotations must be in English and include one (1) hard copy and/ or one (1) soft copy to AVCSolicitation@dai.com. All Quotations must be signed and stamped by the Offeror. • Offerors shall confirm in writing that the Offeror fully understands that their Quotation must be valid for a period of ninety (90) days by signing the Attachment B: Cover Letter. • Offerors shall complete Attachment E: Price Schedule template. • These services are eligible for VAT exemption under the DAI prime contract with USAID. AVC will provide VAT coupons. • AIT shall be deducted as per Government of Bangladesh Tax policy. • DAI has a right to increase or decrease items. • No Advance Payment will be made by DAI.
<p>11. Scope of Work Requirements for Technical Acceptability</p>	<p>DAI seeks qualified and efficient labor code Lawyer licensed to practice in Bangladesh who can advise on the HR issues. The HR firm will bill on an hourly basis depending on the need for their services. Has adequate knowledge, expertise to undertake any legal or related service (see detail scope of work attachment-A).</p> <ul style="list-style-type: none"> • Experts in any litigation i.e. cases before any court of law be that Bangladesh Supreme Court, Judges Court, Labour Court etc. • Expert to advise on local benefits required by local labor law • Expertise to interpretation of Bangladesh laws • Ability to discuss separation of employees and conditions to remove employees immediately. • Provide advice on shifting employees geographically, redundant termination, and probationary period on employment • Expertise for legal advice or assistance, as needed. • Assist with Project closing and separation of staff. <p>In addition to meeting the scope of work listed above, offerors are required to meet or exceed the significant non-cost factors listed below:</p>

	<ul style="list-style-type: none"> • Offeror must possess at least 10 years of relevant in-country experience • Offeror must have positive references from current and previous clients; (Attachment D) • Offeror must have working experience dealing with international firm
<p>12. Determination of Responsibility</p>	<p>DAI will not enter into Fixed Price Purchase Order with an Offeror prior to ensuring the Offeror's responsibility. When assessing an Offeror's responsibility, the following factors are taken into consideration:</p> <ol style="list-style-type: none"> 1. Evidence of a DUNS number (explained below). 2. The source, origin and nationality of the services are not from a Prohibited Country (explained below). 3. Having adequate financial resources to deliver goods or the ability to obtain financial resources. 4. Payment will be made by AVC Dhaka office upon submission of invoice 5. Ability to comply with required or proposed delivery or performance schedules. 6. Have a satisfactory past performance record. 7. Have to submit vehicle checking report from reputed workshops before supplying to AVC 8. Have a satisfactory record of integrity and business ethics. 9. Be qualified and eligible to perform work under applicable laws and regulations.
<p>13. Geographic Code</p>	<ul style="list-style-type: none"> • Under the authorized geographic code for its contract DAI may only procure goods and services from the following countries. • Geographic Code 937: Goods and services from the United States, the cooperating country, and "Developing Countries" other than "Advanced Developing Countries";, excluding prohibited countries. A list of the "Developing Countries" as well as "Advanced Developing Countries" can be found at: http://www.usaid.gov/policy/ads/300/310maa.pdf and http://www.usaid.gov/policy/ads/300/310mab.pdf respectively. • DAI must verify the source, nationality and origin, of goods and services and ensure (to the fullest extent possible) that DAI does not procure any services from prohibited countries listed by the Office of Foreign Assets Control (OFAC) as sanctioned countries. The current list of countries under comprehensive sanctions include: Cuba, Iran, North Korea, Sudan, and Syria. DAI is prohibited from facilitating any transaction by a third party if that transaction would be prohibited if performed by DAI. • By submitting a Quotation in response to this RFQ, Offerors confirm that they are not violating the Source and Nationality requirements and that the services comply with the Geographic Code and the exclusions for prohibited countries.
<p>14. Data Universal Numbering</p>	<p>All U.S. and foreign organizations which receive first-tier subcontracts/ purchase orders with a value of \$30,000 and above are required to obtain a</p>

System (DUNS)	DUNS number prior to signing of the agreement. Organizations are exempt from this requirement if the gross income received from all sources in the previous tax year was under \$300,000. DAI requires that Offerors sign the self-certification statement if the Offeror claims exemption for this reason.
15. Compliance with Terms and Conditions	Offerors shall be aware of the general terms and conditions for an award resulting from this RFQ. The selected Offeror shall comply with all Representations and Certifications of Compliance listed in Attachment C .
16. Procurement Ethics	By submitting an offer, offerors certify that they have not/will not attempt to bribe or make any payments to DAI employees in return for preference, nor have any payments with Terrorists, or groups supporting Terrorists, been attempted. Any such practice constitutes an unethical, illegal, and corrupt practice and either the Offeror or the DAI staff may report violations to the Toll-Free Ethics and Compliance Anonymous Hotline at +1 855-603-6987, via the DAI website, or via email to FPI_hotline@dai.com .
17. Offeror's Agreement with Terms and Conditions	The completion of all RFQ requirements in accordance with the instructions in this RFQ and submission to DAI/AVC of a quote will constitute an offer and indicate the Offeror's agreement to the terms and conditions in this RFQ and any attachments hereto. Issuance of this RFQ in no way obligates DAI to award a purchase order, nor does it commit DAI to pay any costs incurred by the Offeror in preparing and submitting the quote. DAI/AVC has the rights to increase or decrease the goods and services mentioned in this RFQ.

Attachment A: Scope of Work

Detailed Scope of Work

LEVEL OF EFFORT: 35 HOURS

PERIOD OF PERFORMANCE: February 12, 2018 to July 31, 2018

BASE OF OPERATIONS: Dhaka, Bangladesh

Background

Funded under the USAID Feed the Future Initiative, the AVC project will enhance long-term food security in the Southern Delta Region of Bangladesh by applying a market systems approach. The resulting increased access to and availability of diverse and nutritious fruits, vegetables, and pulses in local, regional, and national markets will contribute significantly to achieving improved food security in the targeted areas.

Central to becoming an effective market systems project is the overall management of staff. In particular, human resource management, professional development, teamwork, information sharing and learning. As AVC enters its final year of its contract with USAID we need an experienced local labor law firm to assist AVC in the transition.

OBJECTIVES

DAI seeks qualified and efficient labor code Lawyer licensed to practice in Bangladesh who can advise on the HR issues. The HR firm will bill on an hourly basis depending on the need for their services.

SCOPE OF THE WORK

- Has adequate knowledge, expertise to undertake any legal or related service.
- Experts in any litigation i.e. cases before any court of law be that Bangladesh Supreme Court, Judges Court, Labour Court etc.
- Expert to advise on local benefits required by local labor law
- Expertise to interpretation of Bangladesh laws
- Ability to discuss separation of employees and conditions to remove employees immediately.
- Provide advice on shifting employees geographically, redundant termination, and probationary period on employment
- Expertise for legal advice or assistance, as needed.
- Assist with Project closing and separation of staff.

In addition to meeting the scope of work listed above, offerors are required to meet or exceed the significant non-cost factors listed below:

- Offeror must possess at least 10 years of relevant in-country experience
- Offeror must have positive references from current and previous clients;
- Offeror must have working experience dealing with international firm

REPORTING

The Legal Advisor will report to the Chief of Party and Finance and Grants Manager.

BILLING

Scopes of assignments will be ad hoc and confidential in nature and billed to AVC based on the date of the request by AVC to the legal service.

Attachment C: Representations and Certifications of Compliance

1. Federal Excluded Parties List - The Bidder Select is not presently debarred, suspended, or determined ineligible for an award of a contract by any Federal agency.
2. Executive Compensation Certification- FAR 52.204-10 requires DAI, as prime contractor of U.S. federal government contracts, to report compensation levels of the five most highly compensated subcontractor executives to the Federal Funding Accountability and Transparency Act Sub-Award Report System (FSRS)
3. Executive Order on Terrorism Financing- The Contractor is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Contractor/Recipient to ensure compliance with these Executive Orders and laws. Recipients may not engage with, or provide resources or support to, individuals and organizations associated with terrorism. No support or resources may be provided to individuals or entities that appear on the Specially Designated Nationals and Blocked persons List maintained by the US Treasury (online at www.SAM.gov) or the United Nations Security Designation List (online at: http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml). This provision must be included in all subcontracts/sub awards issued under this Contract.
4. Trafficking of Persons – The Contractor may not traffic in persons (as defined in the Protocol to Prevent, Suppress, and Punish Trafficking of persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime), procure commercial sex, and use forced labor during the period of this award.
5. Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions – The Bidder certifies that it currently is and will remain in compliance with FAR 52.203-11, Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions.
6. Organizational Conflict of Interest – The Bidder certifies that will comply FAR Part 9.5, Organizational Conflict of Interest. The Bidder certifies that is not aware of any information bearing on the existence of any potential organizational conflict of interest. The Bidder further certifies that if the Bidder becomes aware of information bearing on whether a potential conflict may exist, that Bidder shall immediately provide DAI with a disclosure statement describing this information.
7. Business Size and Classification(s) – The Bidder certifies that is has accurately and completely identified its business size and classification(s) herein in accordance with the definitions and requirements set forth in FAR Part 19, Small Business Programs.
8. Prohibition of Segregated Facilities - The Bidder certifies that it is compliant with FAR 52.222-21, Prohibition of Segregated Facilities.
9. Equal Opportunity – The Bidder certifies that it does not discriminate against any employee or applicant for employment because of age, sex, religion, handicap, race, creed, color or national origin.
10. Labor Laws – The Bidder certifies that it is in compliance with all labor laws..
11. Federal Acquisition Regulation (FAR) – The Bidder certifies that it is familiar with the Federal Acquisition Regulation (FAR) and is in not in violation of any certifications required in the applicable clauses of the FAR, including but not limited to certifications regarding lobbying, kickbacks, equal employment opportunity, affirmation action, and payments to influence Federal transactions.
12. Employee Compliance – The Bidder warrants that it will require all employees, entities and individuals providing services in connection with the performance of an DAI Purchase Order to comply with the provisions of the resulting Purchase Order and with all Federal, State, and local laws and regulations in connection with the work associated therein.

By submitting a proposal, offerors agree to fully comply with the terms and conditions above and all applicable U.S. federal government clauses included herein, and will be asked to sign these Representations and Certifications upon award.



Attachment E: Price Schedule

No	Item Name	Description	Rate per hour in BDT including all
1	Legal Services	Hourly rate for legal service as mentioned in item #11 or as DAI's required	
		VAT (%)	

Note:

AIT will be deducted as per Bangladesh law. Please reviewed the Tax Implications and Rules of USAID AVC Project for contracting Vendors? Information found on AVC website under Working with AVC -> Current Procurement -> Current RFP -> "Tax Information for Bidders"

Only VAT shall be shown separately. AVC will provide VAT coupons.

Payment will be made by AVC Dhaka office upon submission and verification of invoice

Attachment F: Proposal Checklist

Offeror: _____

Have you?

- Submitted your proposal to DAI in sealed envelopes to the address as specified in General Instructions above? If submitting electronically the cost and the necessary document attached into emails?
- Begun the process of fulfilling the DUNS requirement (mandatory if above \$30,000) and getting SAM registered which is recommended but not required for contracting? Evidence of a DUNS Number OR Self Certification for Exemption from DUNS Requirement and attempt to begin the process for SAM Registration (Attachment E – G)
- Reviewed the Tax Implications and Rules of USAID AVC Project for contracting Vendors? Information found on AVC website under Working with AVC -> Current Procurement -> Current RFP -> "Tax Information for Bidders"

Does your proposal include the following?

- Signed Cover Letter (*use template in Attachment B*)
- Cost proposals** (use Attachment E: Price Schedule)
- Response to each of the evaluation criteria
- Evidence of a DUNS Number OR Self Certification for Exemption from DUNS Requirement (Attachment E and F)
- Copy of current, valid registration to operate in Bangladesh
- List of references from within the past three years who you provided a similar service providing the full name, title, organization, phone number and e-mail address (*use Attachment D: Past Performance References*)