

Request for Expression of Interest (REOI)
For
Consultancy Services for Consultant Company

Country: Islamic Republic of Afghanistan
Entity Name: Da Afghanistan Bank (Central Bank)
Consultant Service: Consultancy Legal Services to Da Afghanistan Bank (DAB)
Funded by : Government of Islamic Republic of Afghanistan (Da Afghanistan Bank)
EOI #: DAB/1400/NCB/CS04
Advertising Date: 18th April 2021
Closing Date: 03th May 2021

(1) Background

Da Afghanistan Bank (DAB) was established in 1938 as the Islamic Republic of Afghanistan's Central Bank with the primary objective of devising, implementing, and adopting monetary policies, foreign currency policy, provision and printing of banknotes, and minting of coins. Meanwhile, DAB is the sole authority for the issuance of licenses to the banks, foreign exchange dealers, and financial services providers.

In order to achieve the aforementioned objectives, DAB's responsibilities are included but not limited to the below tasks:

1. Formulate, adopt and execute the monetary policy for Afghanistan banks;
2. Formulate, adopt and implement the currency policy and Afghanistan currency arrangements;
3. Hold and manage the official foreign exchange reserves of Afghanistan;
4. Print, mint and issue Afghani banknotes and coins;
5. Act as banker, adviser, and fiscal agent of the state in banking affairs and its subordinating fields;
6. License, regulate and supervise banks, foreign exchange dealers, money service providers, payment system operators, securities service providers, and securities transfer system operators;
7. Establish, maintain and promote sound and efficient payment systems for transfer of securities issued by the state or DAB.

Henceforth, for smooth and steady handling of its responsibilities, DAB is hiring a Law Firm for the provision of the legal services as per the underneath stated scope of Work (SoW).

(2) Overall Objectives

In order for maintenance of providing sound and efficient legal services, DAB is hiring a Law Firm for provision of the service listed hereunder in the Scope of Work. The objective behind hiring of International Law Firm is to seek legal services in below areas:

1. General Legal Counsel;
2. Legislative drafting;
3. Court representation

(3) Scope of Work

DAB is intending to hire a Law Firm to provide legal services to the Bank. These services are outlined in Scope of Work section below.

These services are included but not limited to the legal advisory, legislative drafting and court representation. In particular, the Law Firm will be asked to provide the following services to the Bank:

1. General Legal Counsel

In terms of the Bank's day to day activities the Law Firm will be requested to provide the Bank with the following:

- a. Providing legal advice in terms of contracts with both private and governmental sectors;
- b. Counseling with regards to eviction and foreclosure of Bank's properties;
- c. Providing advice and recommendations on the loan and lease agreements;
- d. Assessment and identifying any issues with project partners or other parties to resolve issues before they reach the dispute stage.
- e. Any other advice requested by the Governor of DAB or Legal Affairs Directorate General.

2. Legislative Drafting

- a. Preparing legislative documents including but not limited to (laws, regulations, procedures);
- b. Drafting, negotiating and execution of the contracts including but not limited to employment, procurement, banking, and it is subordinating fields;
- c. Review/drafting MoUs with both private and governmental institutions in compliance with all applicable legislation in order for the facilitation of the banking sector affairs
- d. Any other tasks requested by DAB Governor.

3. Court Representation

- a. Assisting DAB's Legal Directorate General in handling complaints on behalf of DAB and conducting litigation;
- b. Advising DAB with respect to any potential or threatened claim in the courts.
- c. Assisting DAB representatives in litigation, mediation, and arbitration to settle any actual or potential dispute.
- d. Assisting DAB representatives with respect to any civil or criminal investigation or proceeding before any government entity.
- e. Assist DAB's Legal Directorate General to represent DAB before national and international government and non-government agencies concerning the cases in which DAB is a party.

4. Miscellaneous

DAB should be able to request any other services in addition to the services listed above.

(4) Reports and Deliverables

The law Firm shall provide the deliverable/ requested tasks to DAB for each task as requested.

(5) Timeline

The Law Firm shall render services to DAB for a maximum period of 12 months (1 year).

(6) Terms of the Payment

DAB will process the payments based on written tasks provided by DAB to the Law Firm on the assigned tasks and the invoices received from the vendor. The services provided by the firm shall be charged on hourly basis, with a maximum budget for a period of one year. The firm shall work only on assignments provided by DAB written instructions.

(7) Work Plan and Methodology

- a. Legal Approach and Methodology (based on understanding and policy of the consultant);
- b. The firm shall provide work plan separately, after the DAB written instruction for each assignment (based on the mentioned Scope of Work);

- c. Organization and staffing arrangement (based on the project and personnel requirements). Only people on staffing plan provided to DAB in proposal can work on the project unless otherwise approved by the DAB Governor.

(8) Financial Bid

Financial bid shall be conducted based on hourly rates for each lawyer.

(9) Required Personnel and Experience

1. Law Firm past experience:
 - a. The Law Firm should have worked in 2 similar projects;
 - b. The Law Firm shall provide the documentation/certifications for completion of the projects.
2. The following core Key Experts are needed in the team (7 experts):

Experts	Qualifications	Experience	Number
Senior Counsel	Master in Law	5 years general or 3 years of relevant experience	1 person
Senior Associate	Bachelor in law, preferred Master in Law	Three years of experience	1 person
Associate Attorney	Bachelor in Law	2 to 4 years of relevant experience	2 persons
Legal Assistant/ paralegal	Bachelor in Law	1 to 2 years of experience	2 persons
Other staffs/ Legal intern (per requirement)	Bachelor in Law	1 year	1 person

- **The consultant shall demonstrate having sound financial situation and capacity in the past three years (should not have incurred losses) by submitting latest financial audit report with an annual turnover of at least AFN 5,500,000 for any of the last 5 (five) years;**
- **The consultant shall also provide proven experiences of having executed at least one contract of similar nature; and**
- **The Consultant shall also provide a Bank Statement with amount of 41,000 AFN from the announcement date till the deadline.**

1. Consultants may associate with other firms (local or International) to boost their capacity and enhance the value and quality of their services. If consultants intend to associate with other firms, they shall clearly state in their EOI the composition and form of the association and identify the lead Consultant.

2. Consultants will be short listed in accordance with Quality and cost Based Selection (QCBS) procedures set out in the Public Procurement Law (17th September 2016) of the Government of Islamic Republic of Afghanistan. Interested consultants may obtain further information and collect the Terms of Reference at the address below from 8:30 am to 3:30 P.M local time, Saturday to Thursday.

3. Expression of interest (EOI) shall be delivered on or before **10AM Kabul local time Monday, 03th May 2021** at the address given below. The EOI submission shall be made as: One

“Original” plus two “Copies” including a soft copy on CD. Consultants may, optionally, submit their EOI by email. If an EOI is submitted by email the consultant must ensure that it is the complete and signed copy that is being attached. An EOI that is not signed will not be accepted.

Address

**Procurement Department
Da Afghanistan Bank (Central Bank)**

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