

Request for Quotation

RFQ-PAP-21-0010

Legal Services

1. Synopsis of the Request for Quotation

DAI, implementer of the USAID Water and Sanitation project, invites qualified vendors to submit quotations to supply and deliver legal services, as follows:

1.	RFQ No.	RFQ-PAP-21-0010
2.	Issue Date	March 23, 2021
3.	Title Issuing Office & Email for Submission of Quotes	Legal Services Water and Sanitation Project, 48, GN Plaza, 2e Floor, Rue Metelus, Petion-Ville, Haiti SWSH_info@dai.com
5.	Deadline for Receipt of Quotes.	April 6, 2021 at 4:00 pm Submit hard copy quotes in the physical address mentioned above in point 4. or electronic via the following address email: SWSH_procurement@dai.com
6.	Point of Contact	For any contact or questions for clarification, send formal email to the following: SWSH info@dai.com Questions of clarification can be asking no later than March 30, 2021 at 3:00 PM
7.	Anticipated Award Type	The anticipated award type for this RFQ is a Blanket Purchase Agreement (BPA). Issuance of this RFQ in no way obligates DAI to award a subcontract or purchase order and Bidders will not be reimbursed for any costs associated with the preparation of their quote.
8.	Basis for Award	An award will be made to the responsible bidder whose bid is responsive to the terms of the RFQ and is most advantageous to DAI, considering price or/and other factors included in the RFQ. To be considered for award, bidders must meet the requirements identified in Section 12, "Determination of Responsibility". No discussions or negotiations are permitted with bidders, and therefore bidders shall submit their best and final price.

2. Request for Quotation

9. General Instructions to Bidders	 All submissions are due to be submitted by 4:00 PM on April 6, 2021 Late offers will be rejected except under extraordinary circumstances at DAI's discretion. Bidders shall submit quotes: 48, GN Plaza, 2e Floor, Rue Metelus, Petion-Ville, Haiti or SWSH_procurement@dai.com Include a statement that the vendor fully understands that their quote must be valid for a period of 45 days. Bidders shall sign and date their quotation. Bidders shall complete Attachment A: Price Schedule template. These services choose are eligible for VAT exemption under the DAI prime contract.
10. Questions Regarding the RFQ	Each Bidder 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 Bidders.
11. Technical Specifications and requirements for Technical Acceptability	Please see the attached Annex 3.3 for a list of technical specification, technical qualifications, and basis for Evaluation and Award Final delivery is required by 4:00 PM by April 6, 2021
12. Determination of Responsibility	 Final delivery is required by 4:00 PM by April 6, 2021 DAI will not enter into any type of agreement with a vendor prior to ensuring the vendor's responsibility. When assessing a vendor's responsibility, the following factors are taken into consideration: Provide copies of the required business licenses to operate in the host country such as Patente Evidence of a DUNS number (explained below and instructions contained in the Annex 3.4. The source, origin and nationality of the services are not from a Prohibited Country (explained below). Ability to comply with required or proposed delivery or performance schedules. Resume of the Lawyer's Operation Right attestation
13. Geographic Code	Under the authorized geographic code for its contract DAI may only procure goods and services from the following countries.

	 Geographic Code 935 Goods and services from any area or country including the cooperating country but excluding Prohibited Countries. 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 quote in response to this RFQ, Bidders 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.
14. Data Universal Numbering System (DUNS)	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 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 Bidders sign the self-certification statement if the Bidder claims exemption for this reason.
	For those required to obtain a DUNS number, you may request Attachment C: Instructions for Obtaining a DUNS Number. For those not required to obtain a DUNS number, you may request Attachment D: Self-Certification for Exemption from DUNS Requirement
15. Compliance with Terms and Conditions	Bidder shall be aware of the general terms and conditions for an award resulting from this RFQ. The selected Bidder shall comply with all Representations and Certifications of Compliance listed in Attachment B.
16. Procurement Ethics	By submitting a quote, Bidders 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 Bidders 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.

3. Attachment

3.1 Attachment A: Price Schedule

Item#	LAWYERS HOURLY FEES & SCHEDULE	USD/Hour	HTG/Hour
	A-SENIOR PARTNERS		
1	Office hours in office (from 8AM to 3PM)		
2	Office hours outside the office		
	Pefero or ofter office hours from (6AM to 9 AM and from 4DM to		
3	Before or after office hours from (6AM to 8 AM and from 4PM to 6PM)		
4	Evening after 6PM, Saturday, Sunday or holiday		
	B- JUNIOR PARTNERS		
5	Office hours in office (from 8AM to 3PM)		
-	Office house autoide the office		
6	Office hours outside the office		
	Before or after office hours from (6AM to 8 AM and from 4PM to		
7	6PM)		
8	Evening after 6PM, Saturday, Sunday or holiday		
	C- ASSOCIATE LAWYERS		
9	Office hours in office (from 8AM to 3PM)		
10	Office hours outside the office		
10	The There exists the emec		
	Before or after office hours from (6AM to 8 AM and from 4PM to		
11	6PM)		
40	Europe of the CDM Controller Condense of the little		
12	Evening after 6PM, Saturday, Sunday or holiday		
	D-Lawyer		
13	Office hours in office (from 8AM to 3PM)		
10			
14	Office hours outside the office		
	Before or after office hours from (6AM to 8 AM and from 4PM to		
15	6PM)		

16	Evening after 6PM, Saturday, Sunday or holiday	
	E- LEGAL TRAINEE	
17	Office hours in office (from 8AM to 3PM)	
18	Office hours outside the office	
19	Before or after office hours from (6AM to 8 AM and from 4PM to 6PM)	
20	Evening after 6PM, Saturday, Sunday or holiday	
	EXPENSES	
21	Administrative charge per invoice	
22	Justice of Peace, minimum advance on expenses	
23	Other Jurisdictions, minimum advance on expenses	

Delivery	Date:
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e, the undersigned, provide the attached quote in accordance RFQ # tedOur attached quote is for the total price of qure and in words)
ertify a validity period ofdays for the prices provided in the attached Price
hedule/Bill of Quantities. Our quote shall be binding upon us subject to the modifications.
e understand that DAI is not bound to accept any quotes it receives.
thorized Signature: me and Title of Signatory: me of Firm: dress:
lephone:
nail:
Company Seal/Stamp:

3.2 Attachment B: Representations and Certifications of Compliance

- 1. <u>Federal Excluded Parties List</u> 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. <u>Trafficking of Persons</u> 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. <u>Certification and Disclosure Regarding Payment to Influence Certain Federal Transactions</u> 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 DAII with a disclosure statement describing this information.
- 7. <u>Prohibition of Segregated Facilities</u> The Bidder certifies that it is compliant with FAR 52.222-21, Prohibition of Segregated Facilities.
- 8. <u>Equal Opportunity</u> 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.
- 9. Labor Laws The Bidder certifies that it is in compliance with all labor laws.

- 10. <u>Federal Acquisition Regulation (FAR)</u> 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.
- 11. <u>Employee Compliance</u> 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 quote, bidders 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.

3.3 Attachment C: Detailed Technical Specifications

Technical Specifications:

DAI is implementing USAID Water and Sanitation project; this is a 4.5-year activity with three primary goals:

- Helping 250,000 people to get basic access or improved access to water,
- Helping 75,000 people to get basic access or improved sanitation, and

Laying the foundation for sustainable increases in access to water and sanitation.

The project is staffed by US expatriates, third country nationals, and local Haitian staff. The project offices will also use support/professional services provided by foreign and local individuals and firms. To support project activities, DAI needs to ensure it is operating in Haiti in full compliance of its laws and regulations.

DAI is seeking quotations from eligible organizations for the provision of legal services. The selected firm shall write legal guidance memoranda providing guidance on project start-up and registration, process and procedures and any related benefits as dictated by local labor law, taxation, labor relations, legal review of employment agreements, banking, record keeping, legal review of residential and commercial leases templates, local agreements, as well as the field office policy manual for project activities in Haiti. The selected firm shall be responsible for providing guidance to a number of legal questions that will fall into previously mentioned categories, and according to the scope of work below:

- 1. Provide guidance on registration practices and procedures
- 2. Provide guidance on taxation practices and procedures
- 3. Provide guidance on labor relations and local labor law
- 4. Review short- and long-term employment agreements
- 5. Review residential and commercial lease template
- 6. Review field office policy manuals
- 7. Support project operations by providing legal guidance to any additional topics that may arise in the course of project implementation

Technical Qualifications:

- Proven track record of providing legal services outlined in Section 3.1 Attachment,
 Detailed Technical Specifications of this RFQ
- Staff assigned to these tasks have obtained a Bachelor of Laws undergraduate degree from an accredited and recognized institution, has completed the bar course and bar

- exam, and has obtained a Haitian bar license and/or Haitian lawyers association certified and legally eligible to provide legal opinions in Haiti
- Selected firm has experience working with business registration process, and comprehensive familiarity with local labor laws and tax regulations
- Experience with USAID projects, especially those implemented by for-profit international firms like DAI, are highly preferred

Evaluation and Award:

An award will be made to the responsible bidder whose bid is responsive to the terms of the RFQ and is most advantageous to DAI, considering price or/and other factors included in the RFQ. To be considered for award, bidders must meet the requirements identified in Section 12, "Determination of Responsibility". No discussions or negotiations are permitted with bidders, and therefore bidders shall submit their best and final price.

3.4 Attachment D: Instruction to obtain DUNs Number

INSTRUCTIONS FOR OBTAINING A DUNS NUMBER

Note: There is a Mandatory Requirement for your Organization to Provide a DUNS number to DAI

- **I. SUBCONTRACTS/PURCHASE ORDERS:** All domestic and foreign organizations which receive first-tier subcontracts/ purchase orders with a value of \$30,000 and above are required to obtain a DUNS number <u>prior</u> to signing of the agreement. Your organization is exempt from this requirement if the gross income received from all sources in the previous tax year was under \$300,000. Please see the self-certification form attached.
- **II. MONETARY GRANTS:** All foreign entities receiving first-tier monetary grants (standard, simplified and FOGs) with a value equal to or over \$25,000 and performing work outside the U.S. must obtain a DUNS number <u>prior</u> to signing of the grant. All U.S. organizations who are recipients of first-tier monetary grants of any value are required to obtain a DUNS number; the exemption for under \$25,000 applies to foreign organizations only.

NO SUBCONTRACTS/POs (\$30,000 + above) or MONETARY GRANTS WILL BE SIGNED BY DAI WITHOUT PRIOR RECEIPT OF A DUNS NUMBER.

Note: The determination of a successful offeror/applicant resulting from this RFP/RFQ/RFA is contingent upon the winner providing a DUNS number to DAI. Organizations who fail to provide a DUNS number will not receive an award and DAI will select an alternate vendor/subcontractor/grantee.

Background:

Summary of Current U.S. Government Requirements- DUNS

The Data Universal Numbering System (DUNS) is a system developed and managed by Dun and Bradstreet that assigns a unique nine-digit identifier to a business entity. It is a common standard world-wide and users include the U.S. Government, European Commission and the United Nations. The DUNS number will be used to better identify related organizations that are receiving U.S. federal funding, and to provide consistent name and address data for electronic application systems.

Instructions detailing the process to be followed in order to obtain a DUNs number for your organization begin on the next page.

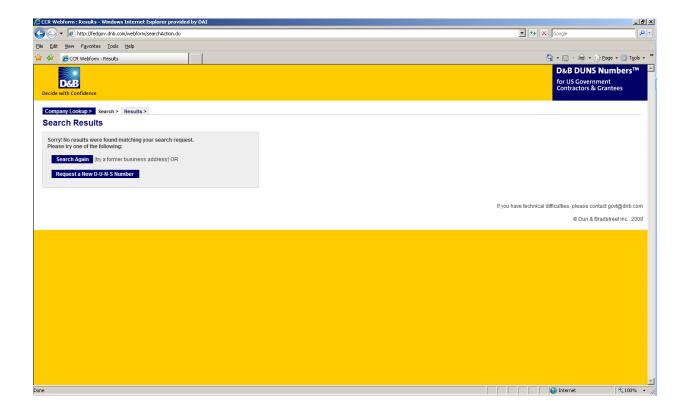
THE PROCESS FOR OBTAINING A DUNS NUMBER IS OUTLINED BELOW:

1. Log on to the D&B (Dun & Bradstreet) DUNS registration website to begin the process of obtaining a DUNS number free of charge.

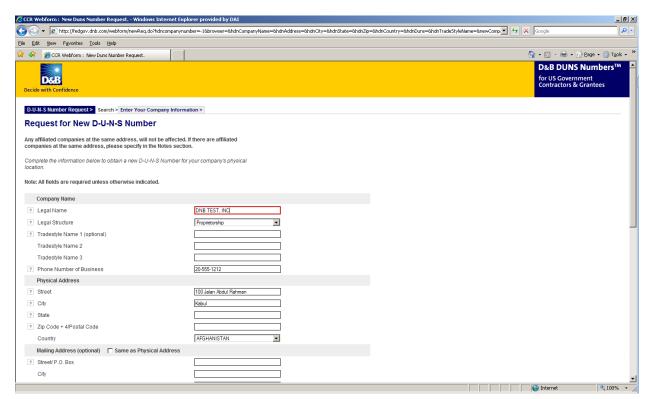
http://fedgov.dnb.com/webform/index.jsp

Please note there is a bar on the left for Frequently Asked Questions as well as emails and telephone numbers for persons at Dun & Bradstreet for you to contact if you have any questions or difficulties completing the application on-line. DAI is not authorized to complete the application on your organization's behalf; the required data must be entered by an authorized official of your organization.

- 2. Select the Country where your company is physically located.
- 3. You will first be asked to search the existing DUNS database to see whether a DUNS number already exists for your organization/entity. Subcontractors/grantees who already have a DUNS number may verify/update their DUNS records.
- 4. Potential DAI subcontractors/vendors/grantees who do not already have a DUNS number will be shown the screen below. To request a new DUNS Number, the "Request a New D-U-N-S Number" button needs to be selected.



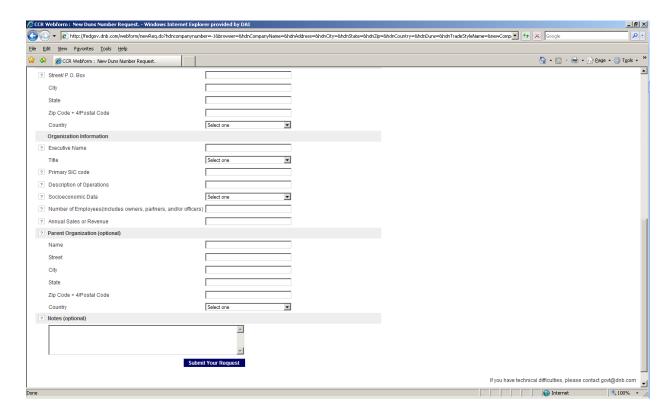
- 5. Enter the information regarding your organization listed on the next three screens. (See screen shots below.) Make sure you have the following information available (in English) prior to beginning the process of entering this section in order to ensure successful registration.
 - Legal Business Name (commas are allowed, periods are not allowed)
 - Address
 - Phone
 - Name of Owner/Executive
 - > Total Number of Employees
 - Annual Sales or Revenue (US Dollar equivalent)
 - Description of Operations
- 6. Note that some fields are Optional, however all other fields must be completed to proceed further with the application process. For example, all applicants must complete the Organization Information sections. The Company Name and Physical Address fields are self-populated based on information previously entered during the initial DUNS search. The question marks to the left of the field provide additional information when you click on them.



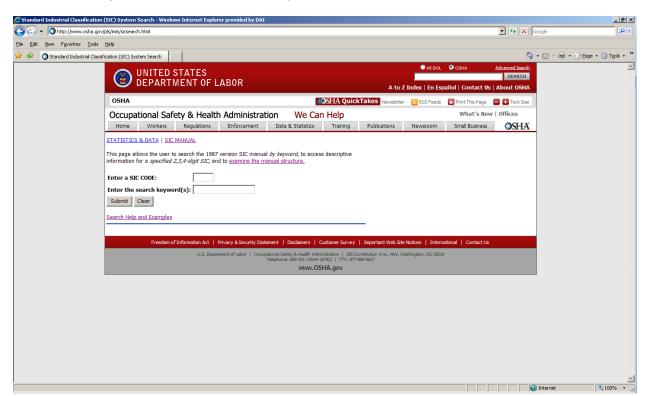
- 7. You must select the legal structure of your organization from the pull down menu. To assist you in selecting the appropriate structure that best represents your organization, a brief description of the various types follows:
 - Corporation A firm that meets certain legal requirements to be chartered by the state/province in which it is headquartered by the filing of articles of incorporation. A corporation is considered by law to be an entity separate and distinct from its owners. It can be taxed; it can be sued; it can enter into contractual agreements.
 - Government central, province/state, district, municipal and other U.S. or local government entities. Includes universities, schools and vocational centers owned and operated by the government.
 - Limited Liability Company (LLC) This is a type of business ownership combining several
 features of corporation and partnership structures. It is designed to provide the limited liability
 features of a corporation and the tax efficiencies and operational flexibility of a partnership.
 Its owners have limited personal liability for the LLC's debts and obligations, similar to the
 status of shareholders in a corporation. If your firm is an LLC, this will be noted on the
 organizations registration and licensing documents.
 - Non-profit An entity which exists for charitable reasons and is not conducted or maintained
 for the purpose of making a profit. Any money earned must be retained by the organization,
 and used for its own expenses, operations, and programs. Most organizations which are
 registered in the host country as a non-governmental organization (NGO) rather than as a
 commercial business are anon-profit entities.

Community based organizations, trade associations, community development councils, and similar entities which are not organized as a profit making organization should select this status, even if your organization is not registered formally in country as an NGO.

- Partnership- a legal form of operation in which two or more individuals carry on a continuing business for profit as co-owners. The profits and losses are shared proportionally.
- **Proprietorship**-These firms are owned by one person, usually the individual who has day-to-day responsibility for running the business. Sole proprietors own all the assets of the business and the profits generated by it.
- 8. One of the most important fields that must be filled in is the Primary SIC code field. (See screen shot below.) The Primary Standard Industrial Code classifies the business' most relevant industry and function.



9. If you are unsure of which SIC Code your organization's core business falls under, please refer to the following website: http://www.osha.gov/oshstats/sicser.html



You will need to enter certain keywords to bring up the potential SIC Codes. In the case above, "Research" was entered as the keyword, and resulted in the following:



PLEASE NOTE: Many of the DAI subcontractors and grantees fall under one of the following SIC codes:

8742 Management Consulting Services

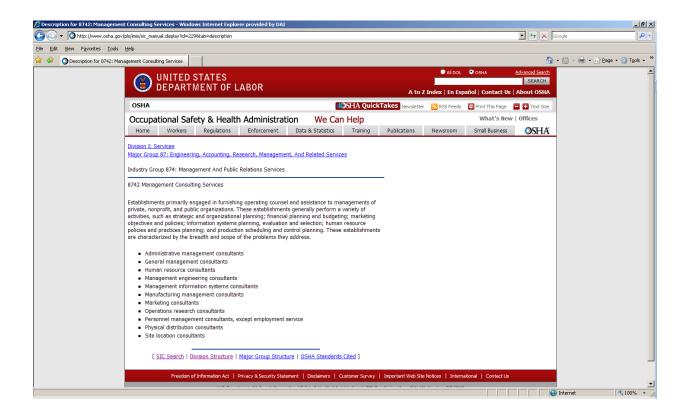
1542 General Contractors-Nonresidential Buildings, Other than Industrial Buildings and Warehouses or one of the codes within:

Industry Group 357: Computer And Office Equipment

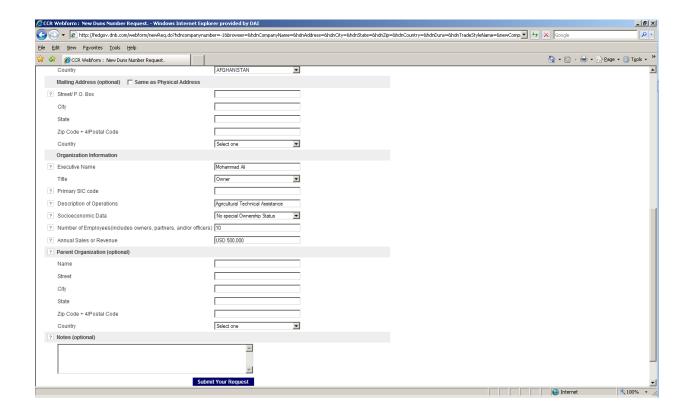
Industry Group 355: Special Industry Machinery, Except Metalworking

Industry Group 356: General Industrial Machinery And Equipment

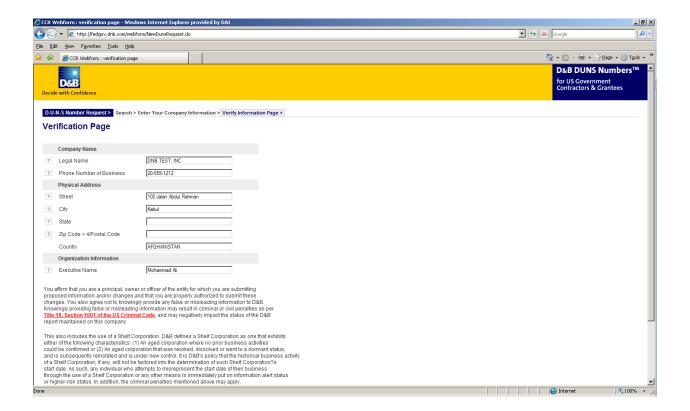
Industry Group 359: Miscellaneous Industrial And Commercial



10. Description of Operations- Enter a brief description of the primary services you provide the example below, "agricultural technical assistance" was chosen as the primary function of the business.



- 11. The Annual Sales or Revenue figure should be provided in USD (US Dollar) equivalent.
- 12. Once all of the fields have been completed, click on "Submit Your Request" to be taken to the Verification page.
- 13. Note: Representative (Principal, Owner or Officer) needs to verify and provide affirmation regarding the accuracy of the data under criminal or civil penalties as per Title 18, Section 1001 of the US Criminal Code.
- 14. Once "Yes, Continue" button is clicked, the registration application is sent to D&B, and a DUNS number should be available within 24-48 hours. DUNS database can be checked in 24-48 hours by entering the Business Information in the Search window which should now display a valid result with the new DUNS number for the entity.



3.5 Attachment E: Self Certification for Exemption from DUNS Requirement

Self-Certification for Exemption from DUNS Requirement For Subcontractors and Vendors

Legal Business Name:	
Physical Address:	
Physical City:	
Physical Foreign Province (if applicable):	
Physical Country:	
Signature of Certifier	
Full Name of Certifier (Last Name, First/Middle Names):	
Title of Certifier:	
Date of Certification (mm/dd/yyyy):	