



PREQUALIFICATION OF SUPPLIERS FOR THE PERIOD 2023-2025

Annex 1: TERMS OF REFERENCE (TOR) FOR LEGAL SERVICE PROVIDERS

1.0 Background

The Science for Africa Foundation (SFA Foundation) is a pan-African, non-profit, and public charity organization that supports, strengthens, and promotes science and innovation in Africa. The SFA Foundation is committed to improving the quality of lives of African people and to promoting the uptake of research in communities, industry, and the public sector.

The goal of the SFA Foundation is to support stakeholders in addressing the continent's most pressing developmental needs by generating knowledge that solves problems and informs decision-making. The SFA Foundation serves the African research ecosystem by funding excellent research and innovation ideas; enabling interdisciplinary collaboration among researchers; and building and reinforcing environments that are conducive for scientists to thrive and produce quality research that generates new, locally relevant knowledge. SFA Foundation operations are hosted within the International Centre of Insect Physiology and Ecology (icipe) as a programme in the Republic of Kenya.

Main Objective

As per the instructions provided in the prequalification of suppliers' tender document no.II attached.

The Objectives

To optimize its continental and Kenya-based science and innovation-based programmes and operations, in support of its strategic objective of supporting the continent and Kenya attain its Sustainable Development Goals through supporting high-value scientific, innovation, and entrepreneurship programmes, the SFA Foundation seeks to have to create a pool of preferred service providers to provide legal services to the SFA Foundation on an ad hoc basis. Suitable firms and individuals of legal practitioners are hereby required to submit their intent for participation in the preferred supplier database.

2.0 Scope of Work

The successful firms and/ or individuals scope of the assignment shall include but not limited to the following areas:

- a) Conduct legal analysis and research on various legal matters.
- b) Provide advice on different legal issues and assist in drafting legal opinions, memoranda, and other legal documents and agreements.



- c) Be actively involved in preparing and reviewing policies and legal submissions and draft authoritative legal opinions as well.
- d) Conduct legal research by utilizing various resources and selecting the relevant material to analyze the legal information.
- e) Assist in reviewing the legal material and any other relevant documents and identifying the most critical issues that need to be sorted out on a priority basis.
- f) Draw up formalities regarding the settlement of disputes and monitor the implementation of the legal clauses.
- g) Provision of regulatory support and legal advice relating to either or collectively with regard to emphasis on Skills Development, Labour Relations, Employment Relations, Tax and Finance matters within the NGO sector, and structured engagements with the government of Kenya.
- h) Litigation and litigation support relating to areas as identified above including any other courts of law, statutory tribunals, and other bodies.
- i) 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 any other related contract matters.
- j) SFA foundation hires consultants worldwide; the legal firm should connect with advocates in the country where a consultant is based and advise on Employment and Labor Law.
- k) Recovery of litigation costs
- l) Conduct legal and governance audits.
- m) Represent SFA Foundation in court proceedings for any legal disputes, alternative dispute resolution forums i.e., arbitration, Mediation, Negotiations, etc. and in government agencies whether instituted by or against the SFA Foundation
- n) Any other legal services that SFA Foundation might require from time to time.

4.0. Qualifications and Areas of Expertise

The legal firm must have the qualifications and experience in the following fields:

- a. Legal and Regulatory Compliance especially NGO Sector



- b. Employment & Labour Law
- c. Commercial/Company Law
- d. International Commerce
- e. Intellectual Property and patent protection
- f. Procurement law
- g. Sponsored, Funded / Financial terms- specifically NGO sector.
- h. Insurance
- i. General dispute resolution and/ or litigation
- j. General government relations
- k. Legal and Governance Audit
- l. Knowledge of US/ Delaware Federal and State law would be an advantage.

NOTE: The Legal Service provider MUST specify their core areas of activities and specialization

5.0.

1) **Mandatory requirements**

- a. Business registration documents
- b. 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.
- c. Pin Certificate/ clearance certificate
- d. Valid Practicing Certificate for the advocates

2) **Technical Proposal**

- a. confirmation of the premises from which the bidder conducts its business,
- b. Contacts-postal address, phone, email, physical address (i.e. the lead advocates and his support staff's e-mail address and telephone) and;
 - a. Valid Certificate of Admission of the Advocates
 - b. Letter of good standing with the relevant Law Society
 - c. Advocates Profile reflecting the following:
 - ✓ Qualifications.
 - ✓ Area (s) of service and years of experience/ specialization in the identified area (s) of service
 - ✓ Record of attendance, i.e. record of attendance and summary of two (2) complex matters attended to by the advocates under the identified areas of service in the last three (3) years, records of dealing with not for profit



organizations by the advocates prior to the closing date of this request for proposals.

- ✓ Proof that the lead Advocates (s) has at least five (5) years' post-admission experience in the identified area (s)
- ✓ In cases where the firm of advocates have 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 Advocates.

Only bidders who will meet the Mandatory requirements will proceed to the technical as outlined in the prequalification tender document attached.

Additional Technical requirements

- 1) Provide evidence of having successfully undertaken similar engagements in the last 5 years by submitting requested in the prequalification tender document
- 2) Composition of the proposed team (Refer to the prequalification tender document attached)
- 3) Competences of proposed Partners,
 - a) Partners with over 8 years' experience directly involved in similar projects and general projects involving engaging and negotiating with national government offices and officers.

(Associates partners with similar experience will be an added advantage (will be considered where the senior partner does not have the experience)

Interested bidders should abide by the terms and conditions of the prequalification tender document attached and should meet all the requirements stated therein.

Instructions on the Proposal Submission Process

- Interested bidders are requested to confirm participation in the RFP by 13th November 2023.
- Request for clarifications should be sent by Monday 13th November **2023**.
- SFA Foundation will respond to the clarifications by 15th November 2023.
- The deadline for submission of proposals is Wednesday 22nd November 2023 at 17:00hrs. (East African Time).

- All responses should be sent to procurement@scienceforafrica.foundation and marked as follows in the subject line:

Prequalification of Suppliers for Legal Services for the SFA Foundation Programme for the year 2023-2025

