

Request for Proposal No. RFP/GRC/2024/002

Annex A: TERMS OF REFERENCE

for the Establishment of a Frame Agreement for the Provision of Legal Advisory Services to the Representation of UNHCR in Greece.

1. BACKGROUND

The Representation of the Office of the United Nations High Commissioner for Refugees to the Hellenic Republic (UNHCR Representation) is seeking a Legal Service Provider (Legal Firm/Company) to provide targeted legal assistance and consulting services to the UNHCR Representation, including Greek Civil, Commercial Law, Taxation Law, Labour Law (with a specialization to reviewing contracts/leases, advising on VAT and workforce related issues), and provision of legal advice on issues related to residence/work permits of different categories of UNHCR personnel as stipulated by Greek law in the scope of UNHCR operations in Greece. The selected legal service provider will provide support to the UNHCR Operation in Greece, in coordination with the Office or UNHCR's Legal Affairs Service (LAS) in Geneva HQ, as needed. Questions related to international law, such as the status, privileges and immunities of UNHCR, as well as questions related to UNHCR's regulatory framework, shall be decided by LAS. The estimated annual requirement of UNHCR is for a range of on demand legal services, estimated on average 5 hours per month-

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The Service Provider is required to, inter alia, assist the UNHCR Representation with the legal research, analysis, consultation and drafting of written recommendations. The Service Provider may be required to liaise with the Greek Administration Authorities on UNHCR's behalf (primarily the services of the Ministry of Migration and Asylum) for residence permit applications, renewals and withdrawals (as applicable) and the Police/Aliens Departments for visa renewal issues and likewise. In particular, the Service Provider's duties will include, in appropriate coordination with the UNHCR representation and UNHCR's LAS:

- Review of commercial contracts for the UNHCR Representation in Greece, including leases, purchase of goods, property, services and works, partnerships and services or construction contracts if required, prior to clearance by UNHCR's LAS
- Providing targeted legal services/advice regarding residence permits and visa issuances/renewals of UNHCR staff and affiliate workforce as stipulated by Greek law
- Providing legal advice and guidance concerning VAT exemptions and the applicable legal framework, manner of dealing with specific suppliers and or categories of suppliers, liaison with tax or other authorities at the request of UNHCR
- Providing advice in relation to income taxation issues as stipulated under Greek law.
- Providing advice in relation to labour law issues (ie. individual contractor employment, national insurance matters etc.) as stipulated mainly under Greek law.
- Providing legal advice in relation to HCA (Host Country Agreement) matters
- Providing translations (from EN, FR to GR and vice versa)
- Certifying translations (from EN, FR to GR and vice versa)

- Certifying documents
- In addition to the above, the selected Legal Firm will be required to generally assist with other requests by the UNHCR Representation in Greece in the administrative/financial area of legislation (e.g. import & customs clearance issues etc).
- Any other related task.

The Service Provider should also provide fixed preferential rates for representing UNHCR workforce for private issues (legal representation). This service will be paid for separately by UNHCR personnel.

Institutional Arrangements: The Service Provider will cooperate and receive guidelines from Senior Staff of the Admin/ Finance Unit and be required to provide a report of the actions undertaken on a monthly basis (if any). The Service Provider shall assign a specific person (s) who will function as Focal Person (Account Manager) and receive all UNHCR requests and cooperate for the follow up of all issues.

Modality and Duration of Work: The Service Provider is expected to work upon ad hoc written request. Communication is primarily made via email in English. Initial response after 24 hours. The Service Provider shall also be available via telephone/email for urgent matters within 2 hours.

A contract shall be issued for an initial period of one year with the possibility of extension for one additional year.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Education of the Assigned UNHCR Focal Person / Licences:

- License to practice law in Greece as an attorney according to the law (L. 4194/2013, Code for Lawyers, as in force), qualified to represent cases before the Supreme Courts («παρ' Αρείω Πάγω»)
- Specialization (Master's or other advanced degree) in civil and/or commercial/ taxation law, administrative or international law will be an asset.

Required Experience of the assigned Focal Person:

- A minimum of 6 years' practical experience in the practice of law as a private attorney-at-law, with a law firm, a government and/or an international organization is essential.
- Knowledge of the Greek framework for alien residency issues and substantial knowledge on such issues (visa, residence permits etc.)
- Specialized experience in:
 - Commercial Law (with a specialization in reviewing contracts and leases) and
 - Taxation and VAT exemption issues
 - Labour law issues

Desirable Qualifications of the assigned Focal Person:

- Practical and substantial experience in the UN system, especially a UN Organization, Fund or Programme, handling legal matters as described for this position, is an asset.

Language Requirements:

- Native Greek speaker- excellent command of oral and written Greek.
- Excellent command of oral and written English.

Competencies:

- Demonstrates integrity and fairness, by modeling the UN/UNHCR's values and ethical standards.
- Promotes the vision, mission and strategic goals of UNHCR.
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.
- Ability to work with the Greek authorities through mediation and knowledge of the Greek structures, bureaucracy and administrative cultures.
- Ability to work with utmost discretion in handling sensitive and confidential matters.
- Client orientation with a constructive approach to resolution of problems.
- Excellent analytical skills and ability to interpret rules and guidelines.
- Excellent drafting skills.
- Ability and commitment to respond promptly to requests by the UNHCR.
- Respect deadlines
- Excellent communications skills, oral and written.
- Sound judgment and personal maturity, independent assessment and integrity.
- Ability to function under pressure.

4. RESPONSE TIME/DELIVERY

The Service Provider is expected to acknowledge in their Technical Offer and comply to the following timeframe:

- Acknowledgement of receipt of request: within 24 hours
- Estimated offer and estimated date of completion: the next day from the acknowledgement of the request
- After the completion of the briefing/meetings: the finalized report/response should be provided no later than 1 working week for simplified matters, while for more complex issues, the bidder should provide the timeframe for UNHCR's agreement

5. PAYMENT AND INVOICING MODALITIES

- The successful Service Provider will receive remuneration based on the hours worked. In the case of representation before Public Administration or Services, or other authorities the remuneration will be agreed beforehand between the Service Provider and the UNHCR and will include appropriate duties and stamps.
- In case of travel outside Athens, at the request of UNHCR, UNHCR shall undertake travel arrangements and settlement of related Daily Subsistence Allowances in accordance with UNHCR's Policy on Travel for Official Purposes. Additionally, the remuneration of the Service Provider will be agreed beforehand, due to the provision of work away of the base of the Service Provider which again shall be on the basis of the established hourly rates.
- The Service Provider should also provide fixed preferential rates for representing UNHCR workforce for private issues (legal representation).
- The invoices issued by the Service Provider shall comply with the agreed hourly rates, clearly stating separately net amounts and VAT.
- Invoice amounts shall be agreed between the Service Provider and UNHCR through a proforma invoice prior to the final issuance.

- The Service Provider shall be able to issue monthly, or ad-hoc reports on assignments and respective costs.

Upon receipt of the invoice, UNHCR will process it for VAT and tax exemptions according to the applicable regulations. Indicatively (not exhaustively) the currently applicable circulars are “ΠΟΛ” 1268/2011 (ΦΕΚ Β’39/ 20-01-2012) or 1180/2016 (ΦΕΚ 4086 Β’/20-12-2016) and its amendment Decision No. Α. 1094/2022 (ΦΕΚ Β’ 3651/12-07-2022). Upon confirmation of receipt of Services/Goods as per Contract Terms, UNHCR will settle the amounts due. Should the VAT exemption be issued after UNHCR has settled the VAT amount to the supplier, the supplier undertakes to promptly refund the VAT amount to the UNHCR bank account within 30 days of the VAT exemption issuance date, as per applicable provisions/ Circulars. Should the Supplier fail to settle Value Added Tax (VAT) owed to UNHCR, and subsequently fails to reimburse or unjustifiably withholds such payment, UNHCR reserves the right to classify the outstanding VAT as overpayment or indebtedness. In such instances, UNHCR retains the right to offset any such VAT owed against the net amount of current or future invoices issued by the Supplier. Additionally, UNHCR may record such occurrences as a performance concern, to be duly considered in any future procurement awards involving the Supplier.

UNHCR payments are processed through UNHCR Headquarters accounts, and as such, will be received by the Contractor’s designated local bank account as an international incoming transfer. UNHCR is not liable/responsible for any commission charges, depending upon the agreement the Contractor has with its bank. This should be taken into consideration and be included in the financial quote of each bidder.

6. EVALUATION

Technical Evaluation

The Technical Evaluation will amount to 60% of the total score, including the assessment of the materials. The main points of the Technical Evaluation criteria are stated below and further detailed in the Request for Proposal document.

- Description of the company and the company’s qualifications
- Past experience and performance record
- Proposed personnel to carry out the assignment
- Understanding of the requirements for services, proposed approach, solutions, methodology, and outputs
- Sample of previous work and analysis of the cases in Annex B

Bidders are requested to read thoroughly the cover letter of the present tender document with reference number RFP-GRC-2024-002 regarding the content and the technical evaluation criteria of the technical proposals.

UNHCR reserves the right to undertake a post-qualification exercise, aimed at determining, to its satisfaction, the validity of the information provided by the Bidder. Such post-qualification shall be a combination of the following:

- Verification of the accuracy, correctness and authenticity of the information provided by the Bidder on the legal, technical and financial documents submitted.
- Validation of the extent of compliance to the Bid’s requirements and evaluation criteria based on what has so far been found by the evaluation team.

Further to the above, it should be noted that UNHCR reserves the right to the following:

- Inquiry and reference checking with current or past clients on the quality of performance for on-going or completed contracts.
- Other means that UNHCR may deem appropriate, at any stage within the selection process, prior to awarding the contract.

Performance Evaluation / Key Performance Indicators

UNHCR will monitor the performance of the Contractor based on the below Key Performance Indicators:

- Timely delivery of services / within agreed deadlines
- Responsiveness to requests
- Provision of specific and accurate information, which is clear to the recipients of the services
- Well-substantiated opinion/consultation in English / document is presented with the required references to the applicable legal framework or other sources.