**REQUEST FOR PROPOSAL: No. UKRKI/RFP/2023-014**

**REQUEST FOR PROPOSAL FOR THE PROVISION OF LEGAL ADVISORY SERVICES**

**ANNEX A – TERMS OF REFERENCE (TOR)**

The purpose of this document is to invite the submission of proposals to provide legal advisory services to UNHCR Representation in Ukraine (hereinafter – UNHCR). UNHCR wishes to conclude framework agreement(s) with a legal agency for one year, with the possibility of extension for two more years based on the level of performance, for the provision of legal advisory services.

The contract is expected to be non-exclusive, without any minimum volume or another commitment, and UNHCR will have no obligation (i) to deal with the legal agency as a provider of exclusive or unique services or (ii) to order or buy a minimum quantity of services from the legal agency.

The legal agency shall be able to offer the expertise, excellent knowledge, and experience in of national and international legislation in the areas of interest, a dedicated contract manager, recommendations, overview and conclusions to be made available in English and Ukrainian languages.

**Key areas of interest:**

1. **Taxes and contributions applicable for different contract modalities of personnel engaged by UNHCR (HR Unit)**

Personal income tax compliance for UNHCR employees depending on staff and non-staff contract types of employees. UNHCR needs include, but not limited to following types of services:

* A comprehensive assessment of local taxes and contributions applicable for individuals;
* Development of step-by-step guidance for personal tax compliance;
* Calculation of taxes and contributions for individuals;
* Calculation of financial model for organization if it opts to cover such expenses by increase of renumeration for employees;
* Support communication of individuals and organization with tax authorities;
* Development of necessary paperwork, filling-out forms as applicable.

1. **Value Added Taxes refund and exemption applicable for international organizations and UN System (Finance Unit)**

UNHCR experiences difficulties with application privileges and immunities granted to the UNHCR by the Agreement between the Government of Ukraine and UNHCR of 23 September 1996 and the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 in terms of exemption of VAT of purchase of goods and services for its mandate activities. Legislation and requirements in this area changed during the last seven years segregating definitions of VAT exemption and refund for certain types of activities (own needs of international organizations, international technical assistance, humanitarian aid). UNHCR needs comprehensive up-to-date overview of VAT exemption and VAT refund regulation and requirements in Ukraine that applies to international organizations and UN system. Recommendations on further steps in communication with respective authorities and the Government of Ukraine may be requested under this Frame Agreement.

1. **Advisory in the area of banking and finance.**

UNHCR’s mandate include delivery of humanitarian assistance to refugees, asylum seekers and other persons of concern in Ukraine. UNHCR may act directly with individuals or through local partner NGOs. UNHCR may need advisory services on legal solutions for financial transactions, including mitigation of risks of violation fiscal requirements according to national legislation.

1. **Advisory on possibility of USD payments in Ukraine.**

All payments on the territory of Ukraine are carried out exclusively in hryvnias. UNHCR needs comprehensive overview in case solid legal basis exists to proceed with USD payments within local trade for goods/services- not export/import operation.

1. **Mobilization to the Armed Forces under the marital law, exemption for UN personnel (Administration Unit)**

The exemption from military services is stipulated by the Convention of Privileges and Immunities of the UN officials, also by the UNHCR Host Agreement of 1996, ratified by the Verkhovna Rada in 1999. The procedure for an exemption of UN personnel is stipulated by the Resolution of the Cabinet of Ministers of Ukraine. Practical guidance on a case-by-case basis is required to secure privileges and immunities of UNHCR staff.

**Other areas of interest:**

* Assistance to draft responses to various quires addressed to UNHCR by national institutions;
* Assistance to staff members explaining their privileges and immunities to state institutions (such as specifics of taxation, exemption of military services etc.);
* Other legal advisory services.

**Criteria for evaluation of proposals for legal advisory services:**

For the award of this Frame Agreement, UNHCR has established evaluation criteria which govern the selection of proposals received. The evaluation is made on a technical and financial basis.

Percentage distribution between technical and financial part of the proposal:

Financial proposal – 40%

Technical proposal – 60%

Technical criteria **(Annex B)**

Technical criteria is divided into two sections:

* MANDATORY REQUIREMENTS (Section 1 of RFP) - PASS/FAIL;
* QUALIFICATION AND EXPERIENCE (Section 2 of RFP) - maximum 160 points.

The cut-off point for submissions to be considered technically compliant will be minimum

**50 points** out of the 160 points

**Please note**: bids that have not passed all MANDATORY REQUIREMENTS will be disqualified.

Financial proposal shall include the following service types:

1) Live consultation in Ukrainian on all issues of current activity. **Scope of work – 32 consultations, 10 hours extra time;**

2) Live consultation in English on all issues of current activity. **Scope of work – 16 consultations, 5 hours extra time;**

3) Verification and analysis of the client's legal documentation. **Scope of work – 250 hours.**

4) cost per page for drafting legal official documents in Ukrainian (e.g. - Government Forms, Official correspondence etc.), all-inclusive. **Scope of work – 200 pages;**

5) cost per page for drafting legal official documents in English (e.g. - Government Forms, Official correspondence etc.), all-inclusive. **Scope of work – 200 pages;**

6) cost per page for drafting legal documents for internal use in Ukrainian (e.g. - Case Summaries, Legal Research Notes etc.), all-inclusive. **Scope of work – 50 pages**;

7) cost per page for drafting legal documents for internal use in English (e.g. - Case Summaries, Legal Research Notes etc.), all-inclusive. **Scope of work – 100 pages.**

**Please note!** All expenses associated with facilities, third-party services, and compensation for a dedicated contract manager must be integrated into the categories mentioned above. **Prices should be all-inclusive.**

**Measurement of Service types for price indication:**

1. **1 consultation -** verbal consultation in Ukrainian or English on all issues of current activity, duration up to 30 minutes, please indicate unit price for 1 consultation;
2. **1 hour -** please indicate unit price for 1 hour (per minute tracking is required) for each type of services.

(e.g., if service provider spent 1 hour 15 min. to complete request; 1,25 \*’’price for 1 hour” should be billed);

1. **1 page -** please indicate unit price for 1 page, page means 1800 characters with spaces for the documents with 2 or more pages delivered.