
PROCUREMENT NOTICE



REQUEST FOR EXPRESSION OF INTEREST FOR THE PROVISION OF LEGAL RETAINERSHIP SERVICES

Procurement Reference Number: NAC/PDD/LEGAL RETAINERSHIP/01/2021-2022

1.0. INTRODUCTION

The National AIDS Commission (NAC) guided by the HIV and AIDS (Prevention and Management) Act 2018 is responsible for provision of leadership, technical guidance, and coordination of the National Response to HIV and AIDS in Malawi. The broad objectives of the Commission are to (i) provide leadership and enhance management and administrative systems to support implementation of the National HIV and AIDS Strategic Plan (NSP); (ii) Strengthen multi-sectoral and multi-disciplinary coordination and implementation of HIV and AIDS Programs and (iii) Strengthen monitoring and evaluation of the national response to HIV and AIDS.

The National AIDS Commission (NAC) has budgeted public funds from its 2020-2021 Annual Budget to be used in implementing the national response to the HIV/AIDS pandemic and intends to apply part of the funds to procure Legal services on retainership basis. In this regard, The National AIDS Commission (NAC) would like to engage the services of a Legal services firm on retainership basis to be involved in various tasks and activities that require legal expertise and representation as and when required.

2.0. SCOPE OF WORK

The legal firm is expected to provide the following services:

1. Litigation
2. Drafting and Review of Contracts and all Memoranda of Understanding that NAC enters with any individual, group of individuals or organisation.
3. Legal Research
4. Legal Opinions
5. Negotiations

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6. General legal advice
 7. All other legal tasks to be assigned by the client, from time to time, for the carrying out of the Commission's responsibilities.

3.0. REQUEST FOR RETAINERSHIP SERVICES

It is against this background that the National AIDS Commission would like to invite expression of interest from reputable Law Firms who can effectively provide the legal services outlined in 2.0 on a retainership basis.

4.0. TIME FRAME

The duration of retainership shall be for a performance based renewable period of twelve months (12) months from the effective date; for a maximum period of three (3) years continuous or non-continuous depending on performance.

5.0. QUALIFICATIONS, REQUIREMENTS AND EXPERIENCE

The Legal Firm being sought must have the following:

5.1. Qualifications

A. Team Leader

A team leader is expected to:

- Have a minimum of a Masters degree in law.
- Possess not less than 8 years knowledge and extensive experience in practice.
- Be a seasoned lawyer with demonstrated leadership in managing complex cases especially labor related.
- Demonstrable track record of success in handling of similar organizational cases in the past. At least 80% success rate
- Should provide evidence of the won cases through copies of court judgements.
- Have excellent communication and report writing skills.
- Should be of good standing with the Malawi Law Society with active membership.

B. Team Members

- Should have a minimum of a bachelor's degree in Law.
- Should have demonstrable ability and soundtrack record of at least five years in practice.
- Should be a seasoned lawyer with wide knowledge and demonstrable experience in handling cases in the past 3 years.

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- Should be of good standing with the Malawi Law Society with active membership.

5.2. Experience of the Legal Firm

- i. At least 10 years' experience at the Bar.
- ii. Proven track record of capacity and practical experience to handle complex Civil or Commercial cases successfully and ably. Firms are expected to attach similar copies of contracts as well as list of clients served in the past 5 years
- iii. Demonstrable Knowledge of company/Administrative law
- iv. Working knowledge of commercial law and drafting
- v. Adequate knowledge of operations and status of the National AIDS Commission.
- vi. In-depth and specialist understanding of laws relating to contractual issues, labour law and employment act as well as the operations of the Public Service in general particularly parastatals.
- vii. Registration to the Malawi Bar; Firms are expected to attach copy of their certificate
- viii. Registration with the Malawi Law Society; firms are expected to attach copy of their certificate
- ix. Registration with MRA, firms are expected to attach Tax Clearance certificate with MRA

5.3. General Requirements

- i. The law firm is expected to be fully self-sufficient in terms of office space supplies, communications, and transport during any assignment and to discharge its responsibilities to the expected professional standards and integrity.
- ii. For logistical purposes, and easy management of assignments, only legal firms fully based in Lilongwe or with an office in Lilongwe shall be considered for this assignment

6.0. RESERVATION OF RIGHTS

1. The Commission reserves the right to reject any applications received or exclude the name of any Law Firm without assigning any reason.
2. Appointment of Law Firm on retainer-ship basis neither guarantees assignment of cases, nor in any manner obliges the Commission to hire the services of the respective Law Firm. The Commission reserves its right to assign any case/matter to any Law Firm.
3. The Commission reserves the right to hire an appropriate Law Firm in any case from outside the approved panel of Law Firms and Retainer Law Firm on such Terms and Conditions as deemed proper.

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4. The Commission reserves the right to verify information provided by the interested 'Law Firm' and may reject the proposal without assigning any reason in case of misrepresentation.

7.0. COMPENSATION

The Commission will pay the successful Law Firm a fee to be agreed upon between the two parties.

8.0. REPORTING

The consultants will ultimately be accountable to the Chief Executive Officer, National AIDS Commission. However, they will be reporting to the Director of Finance and Administration on operations.

9.0. SUBMISSION OF EXPRESSION OF INTEREST

- (a) Interested Legal firms must provide information indicating that they meet the qualification requirements to perform the assignment as indicated above to the address in 9(b) (i) below. Expressions of interest clearly marked "**Expressions of Interest to provide Legal Retainership**" must be deposited in the tender box located at the reception area of NAC office at the address in 9(b) (i) below before **Monday, 30th August, 2021 at 15:00 hours, local time.**

- (b) Interested Legal Firms may obtain further information at the address in 9(b)(ii) below:

i. Submission of Expression of Interest:

**The IPDC Chairperson
National AIDS Commission
CP Properties House, On Plot No. 47/1/1185
Off Lilongwe/Mchinji Road, Behind Automotive Products Ltd
P.O Box 30622
Lilongwe 3**

Tel: +265 (0)1 762 036

Or through Email: procurement@aidsmalawi.org.mw

ii. For Clarification and Further Information

**The Procurement and Disposal Division
National AIDS Commission**

**CP Properties House, On Plot No. 47/1/1185
Off Lilongwe/Mchinji Road, Behind Automotive Products Ltd
P.O Box 30622
Lilongwe 3**

**Tel: +265 999 612 529/ /+265 (0)999 492 014;
Attention: Head of Procurement**