

Request for Proposal

Date: 8/10/2022

Subject: Legal Representation for Nonprofit Registration in Burundi

Reference #: P0013094

Introduction: TechnoServe is an international nonprofit organization that helps people lift themselves out of poverty by harnessing the power of the private sector. Operating in almost 30 countries, we work with hardworking women and men in the developing world to build competitive farms, businesses, and industries. By linking people to information, capital, and markets, we have helped millions to create lasting prosperity for their families and communities.

General Requirements: The requirements for TechnoServe's anticipated contract are listed below. A more detailed Statement of Work is also attached.

TechnoServe, Inc. is looking to engage legal counsel to lead TechnoServe's legal registration in Burundi. The selected counsel should make recommendations about the best corporate structure for TechnoServe in Burundi and the associated regulatory requirements for initial filing and continued operations. Personnel from counsel will collaborate with TechnoServe's Home Office and regional teams to ensure timely and compliant submission of all registration materials.

Period of Performance: The period of performance of any contract resulting from this solicitation is anticipated to be between the start and end dates listed below.

Start Date: 9/1/2022

End Date: 2/28/2023

Proposal Content Instructions: In addition to responding to the Statement of Work, all proposals must:

- Describe the qualifications, experience, and capabilities of the firm or consultant in providing the type of services being requested. Resumes or CVs of the consultant or any key personnel of the firm shall be submitted as an attachment.

- Estimate the length of time required to accomplish all requirements, with detail on individual activity implementation dates, as referenced in the Statement of Work.
- Contain a detailed cost breakdown with applicable taxes and other charges clearly identified (and be presented in conformity with any further instructions included in the Statement of Work). Consultants should provide their daily or hourly billing rate, or their proposed fixed fee for the requested deliverables.
- Provide at least 3 references for similar contracts with a description of the services provided, value of the contract, and the contract periods of performance.
- Include a contact name, email address, and telephone number to facilitate communication between TechnoServe and the submitting firm or consultant.
- For proposals from a firm, provide a brief outline of the company and services offered, including:
 - Full legal name, jurisdiction of incorporation, and address of the company.
 - Full legal name and country of citizenry of company's President, Chief Executive Officer, and/or all other principal officers of the company.
 - Year the business was established.
- If a consortium of firms or a team of consultants submits a proposal jointly, the above information should be provided for each member of the team.

To ensure consideration, all quotes must be submitted in the following language and currency, and by the due date noted below:

Language: English

Currency: USD

**Submission
Instructions:**

All proposals must be emailed to the address below with your proposal attached in one or more files (PDF preferred). You will receive an auto-confirmation upon receipt. DO NOT email your proposal to any employee of TechnoServe or deliver your proposal in hard copy to a TechnoServe office. **Failing to adhere to these instructions may make your proposal ineligible for consideration.**

Email: buy+US+P0013094@tns.org

Order of Events:

This procurement will be administered in accordance with the following dates (subject to change at TechnoServe's sole discretion):

Date	Event
8/16/2022	Last date that questions and notice of intent to bid will be accepted. Questions and answers will be distributed to all known interested parties, so questions should not disclose confidential information, and all interested parties should submit a notice of intent to bid by this deadline to ensure they receive a copy of TechnoServe's response to questions.

Questions and/or notice of intent to bid should be emailed to:

dlape@tns.org

8/17/2022 Date that answers to questions will be distributed to all known intended bidders.

8/19/2022 Last date that proposals will be accepted by TechnoServe.

**Terms and
Conditions:**

- The Request for Proposal is not and shall not be considered an offer by TechnoServe.
- All responses must be received on or before the date indicated on the RFP. All late responses will be rejected.
- All unresponsive proposals will be rejected.
- All proposals will be considered binding offers. Your proposal must be valid for acceptance for a minimum period of 90 days from the closing date of this solicitation.
- All awards will be subject to TechnoServe contractual terms and conditions and contingent on the availability of donor funding.
- TechnoServe reserves the right to accept or reject any proposal or cancel the solicitation process at any time, without assigning any reason, and shall have no liability to any vendors submitting proposals for such rejection or cancellation of the RFP.
- TechnoServe reserves the right to accept all or part of the proposal when awarding the purchase order/contract.
- All information provided by TechnoServe in this RFP is offered in good faith. Individual items are subject to change at any time and all known intended bidders will be provided with notification of any changes.
- TechnoServe reserves the right to require any bidder to enter into a non-disclosure agreement.
- Bidders are solely obligated to pay for all costs which may be incurred by the bidder or any third parties in connection with preparing the proposal.
- All proposals and supporting documentation shall become the property of TechnoServe and shall be treated confidentially.
- Bidders are required to identify and disclose any actual or potential Conflict of Interest.

**Criteria for
Selection:**

TechnoServe's evaluation of proposals will be based on the factors set out below. At the sole discretion of TechnoServe, bidders may be selected for follow-up questions or to provide an oral presentation. TechnoServe reserves the right to award the contract to the bidder whose proposal is deemed to be in the best interest of TechnoServe. TechnoServe will not award a contract to any bidder where there is indication of a lack of business integrity.

Max Points	Criterion
30	Price, inclusive of all delivery fees and taxes
30	Experience & Reputation of the legal firm
25	Quality of Pre-registration plan
15	Quality of Corporate maintenance binder

The attached Statement of Work represents an integral part of this solicitation.

Exhibit 1: Scope of Work

Legal Representation for Nonprofit Registration in Burundi

TechnoServe Overview

TechnoServe is a leader in harnessing the power of the private sector to help people lift themselves out of poverty. A nonprofit organization operating in 29 countries, we work with enterprising men and women in the developing world to build competitive farms, businesses, and industries. By linking people to information, capital, and markets, we have helped millions to create lasting prosperity for their families and communities. With more than 50 years of proven results, TechnoServe believes in the power of private enterprise to transform lives.

The TechnoServe Coffee Practice is an area of excellence that has projects within the coffee sector across Latin America and Caribbean, East Africa, and Southern Africa. The Coffee Practice implements activities across the coffee value chain from agronomy support to trainings on sustainability standards for processors.

Background

TechnoServe and its partner organizations have recently been awarded USDA funding to implement a coffee-focused project in Burundi. This is a multi-year program and TechnoServe requires legal assistance establishing a presence in Burundi and launching operations. We expect to hire several local employees and at least one foreign national working in country. We will be based in Bujumbura and also working in Kayanza, Ngozi, Muyinga, Karuzi, and Gitega provinces.

General Requirements

TechnoServe, Inc. is looking to engage legal counsel to lead TechnoServe's registration in Burundi. The selected counsel should make recommendations about the best corporate structure for TechnoServe in Burundi and the associated regulatory requirements for initial filing and continued operations. Personnel from counsel will collaborate with TechnoServe Home Office and regional teams to ensure timely and compliant submission of all registration materials.

Counsel should provide a brief summary of experience in establishing a presence or corporate entity in Burundi. Responses should outline an initial pre-registration plan and timeline, the key steps in legal registration and associated filing costs, and the proposed fee for services. The response should demonstrate experience in Burundi with:

- International NGOs
- Establishing new entities
- Tax implications for international NGOs

- Employment matters, including immigration, for both local and international staff (e.g., review of employment contracts, support with additional labor and/or tax registration, common challenges for international NGOs hiring local staff, etc.)
- Building strong relationships with local government agencies and representatives, as applicable

TechnoServe also anticipates requiring periodic advice and assistance on various employment matters. Please provide a brief summary of your relevant experience and the hourly rates for such services.

Please include the names and qualifications of personnel who would be assigned to assist. Note that fluency in both English and French is required. This request for proposals should demonstrate vendor competence and qualifications. TechnoServe will use proposals to identify law firms that have the interest, capability, and financial strength to supply TechnoServe with the requested legal services. This request for proposals should not be considered an offer by TechnoServe.

Required Services/Deliverables:

1. **Prepare pre-registration plan:** document should clearly outline recommended corporate structure for TechnoServe in Burundi. The plan should outline the process, timeline, and fees for registration and be compliant with the National Development Plan for Burundi and other applicable laws.
2. **Act as TechnoServe's legal representative with relevant Burundian government agencies for registration application:** counsel will coordinate with TechnoServe to collect and submit required documentation for application to Government of Burundi.
3. **Prepare corporate maintenance binder:** memo that documents subsequent statutory requirements for preserving legal status to operate in Burundi following registration.
 - This document should explicitly make reference to employment law and key concerns and/or requirements for hiring Burundian employees.

Proposal Content Instructions (continued)

Along with all requirements listed above, please include the following in your response.

1. A brief written response in the English language summarizing the necessary steps for legal registration in Burundi as well as the associated costs and estimated length of time associated with each step.
2. Please provide a price quotation. Responses should be in US Dollars with applicable Tax/Charges clearly identified and provided against each of the categories of services described in Chart 1. Please describe any other payment terms and conditions in the response.

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Chart 1: Description of Required Legal Services

No.	Description of Legal Services	Estimated Timeline	Hourly Rates (US\$)	Total Fee (US\$)
1	Registration of TechnoServe with Government of Burundi for nonprofit operations [may be split into specific steps]	[Include summary of steps/fees and estimated timeline for submission and subsequent approval]	Partner:	
			Associate:	
			Other (E.g., Filing Fees):	
2	Advice and support on employment matters		Partner:	
			Associate:	
			Other:	