

Terms of reference (ToRs) for the procurement of services below the EU threshold

Legal advisory services, employment and labour Code in the Republic of Djibouti	Project number/ cost centre: 94.9064.0-001.21
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0. List of abbreviations

AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
FK	Expert
FKT	Expert days
KZFK	Short-term expert
ToRs	Terms of reference

1. Context

As a service provider with worldwide operations in the fields of international cooperation for sustainable development and international education work, GIZ works with its partners to develop effective solutions that offer people better prospects and sustainably improve their living conditions. GIZ is a public-benefit federal enterprise and supports the German Government and a host of public and private sector clients in a wide variety of areas, including economic development and employment promotion, energy and the environment, and peace and security,

GIZ has been working in Djibouti on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) and European Union and principally in collaboration with Inter governmental Authority on Development (GAD) within the framework of the implementation of development projects. Currently, GIZ Ethiopia and Djibouti portfolio workforce amounts to around 800 national staff.

To a lesser extent and incidental, there has been work with the Government of Djibouti. However, there is no bilateral agreement between the Federal Republic of Germany and the Republic of Djibouti. Organizationally, GIZ Djibouti belongs to the GIZ Country Office Ethiopia.

For legal matters of several kinds, we would like to procure the services of a local Djiboutian lawyer. The delivery of services is based on needs, depending on the required time and efforts needed to provide legal advice and solutions.

2. Tasks to be performed by the contractor

The Contractor shall provide advice in a wide range of legal affairs on a case by case-basis, ranging from labour-code to contractual and operational issues.

The GIZ is not registered as a legal entity (organisation/ company) in Djibouti, as there is no bilateral development cooperation with Djibouti. The GIZ therefore maintains no country office, but operates in Djibouti only in the form of the Technical cooperation project with the regional organisation IGAD.

In order to comply with local regulations concerning international public organizations, and in particular regulations related to employment, taxation of local personnel and contribution to social security systems, GIZ requires legal advisory services with special focus on registration of the organisation and implementation of labour code and related regulations within the organisation.

The contractor is responsible for providing the following services:

- Continue the registration process of GIZ as Legal entity in Djibouti:
 - Assistance to GIZ and management of all stages of the organization's registration process
 - Creation of official formal letters to international and Djiboutian authorities
 - Assistance in conversations with local governmental and administrative organizations
 - Finalization of required registration documents and ensuring speedy processing with official bodies
- Proper documentation of progress including meeting minutes, risk and compliance analyses, status reports and recommendations

- In accordance with the legal status and registration process, the legal advisor will provide assistance in legal matters:
 - Reviewing and revising HR policies, employment manuals, employment contracts and other documents for legal compliance
 - Advising on legal requirements on all employer and employee relations with legal opinion and legal advice, in particular against those stemming from the organisation's form of legal registration
- Ad-hoc advising on grievance cases like warnings, terminations, demotions
- Informing on current developments in the field of labour law and policies as well as practices in Djibouti
- Conducting litigation on behalf of the client either as a plaintiff and/or defendant
- Regular reports to GIZ in accordance with the current AVB of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

Certain milestones, as laid out in the table below, are to be achieved during the contract term:

Milestones/process steps/partial services	Deadline/place/person responsible
Providing monthly reporting on handled legal matters on tracking sheet	01/03/2025/ remote/ contractor
Evaluation of cooperation number 1	31/7/2025 / remote/ contractor
Evaluation of cooperation number 2	31/12/2025 /remote/ contractor
Evaluation of cooperation number 3	30/06/2026 /remote/ contractor
Evaluation of cooperation number 4	31/12/2026 remote/ contractor

Period of assignment: from January 1, 2025 until December 31, 2026.

3. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 5), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Key expert 1

Qualifications of key expert 1

- Education/training: University qualification master's in law
- Language: C2 -level language proficiency in English and French
- General professional experience: 10 years
- Specific professional experience: 7 years
- Leadership/management experience: 5 years
- Regional experience: 5 years
- Development Cooperation (DC) experience: 5 years

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills

- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

The tenderer must provide a clear overview of all proposed short-term experts and their individual qualifications.

4. Costing requirements

Assignment of personnel and travel expenses

GIZ and/or other actors are expected to make the following available:

- As the service deals with legal issues in and of the Republic of Djibouti, the main inputs and thus the main location of the assignment will be Djibouti. In case the contracting authority wishes to have a direct input by the legal advisor outside Djibouti, travel and related cost will be handed separately.
- Payments are based on recorded time spend on agreed subject matters as indicated in the TOR. Time will be recorded in actual number of expert hours in the time sheet.
- Payment schedule: monthly billing based on the presentation of timesheets and an invoice.
- In case an attorney is absent, he/she must be replaced by another available attorney.

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Designation of TL/key expert/short-term expert pool	1	24	24	
Travel expenses	Quantity	Number per expert	Total	Comments
Per-diem allowance in country of assignment	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance
Overnight allowance in country of assignment	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance
Transport	Quantity	Number per expert	Total	Comments
International flights	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance

Domestic flights	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance
CO₂ compensation for air travel	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance
Travel expenses (train, car)	-	-	-	Number depends on actual needs for travel, cannot be estimated in advance
Other costs	Number	Price	Total	Comments
Flexible remuneration	1	600,000 DJF	600,000 DJF	A budget of EUR 3116 is foreseen for flexible remuneration. Please incorporate this budget into the price schedule. Use of the flexible remuneration item requires prior written approval from GIZ.

5. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English.

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 3 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English.

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule.