

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

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<b>Legal advisory services, employment and labour Code in the Republic of Djibouti</b>	<b>Project number/ cost centre: 94.9064.0-001.21</b>
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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 global service provider for international education and international cooperation for sustainable development, GIZ collaborates with its partners to provide practical solutions that give people better opportunities and long-term improvements to their living conditions. As a federal corporation with a public benefit, GIZ assists the German government as well as numerous clients in the public and private sectors in a range of fields, such as employment and economic development, energy, and the environment, along with safety and tranquility.

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 (IGAD) 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 is responsible for providing the following services:

- Informing on current developments in the field of labour law and policies as well as practices in Djibouti
- Ad-hoc advising on grievance cases like warnings, terminations, demotions etc.
- Reviewing and revising HR policies, employment manual, employment contracts and other documents for legal compliance.
- Advising on legal requirements on all employer and employee relations with legal opinion and legal advice
- Conducting litigation on behalf of the client either as a plaintiff and/or as a defendant.
- Training on the application of labour law and industrial relations to the Human Resources team:
  - Three sessions of two hours each. Topics to be selected by GIZ.
  - The Training can be held virtually or in presence in Djibouti.
  - Professional training material is to be provided by the contractor.

### Modes of delivery, reporting and evaluation:

- Advisory services include written and/or verbal analysis of the case, and legal implications, legal recommendation and risk assessment (via e-mail with suitable attachments or verbally, depending on the case)
- The contractor is required to respond to requests from GIZ within one working day and give an estimate of the duration until the request can be answered.
- Every 4 months, the cooperation between the contractor and GIZ is evaluated to improve the efficiency of services or address challenges from both sides.
- Monthly reporting on all requests and time utilized (tracking sheet)

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

<b>Milestones/process steps/partial services</b>	<b>Deadline/place/person responsible</b>
Providing monthly reporting on handled legal matters on tracking sheet	01/02/2025/ 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 01.02.2025 until 31.12.2026.

### 3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Note: The numbers in parentheses correspond to the lines of the technical assessment grid.

#### Technical-methodological concept

**Strategy (1.1):** The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

The tenderer is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided.

The tenderer is required to describe its contribution to knowledge management for the partner (1.5.1) and GIZ and to promote scaling-up effects (1.5.2) under **learning and innovation**.

### 4. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs, 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.

Number of experts needed: **One**

#### Qualifications of key expert

- **Education/training (2.2.1):** University qualification, master's in law
- **Language (2.2.2):** C2 -level language proficiency in English and French

- **General professional experience (2.2.3):**
  - ✓ Ten years' experience in advising and representing organizations in legal affairs, focusing on labour law and employee-related regulations.
- **Specific professional experience (2.2.4):**
  - ✓ Five years of experience in advising and representing international development cooperation, focusing on labour law and employee-related regulations.
- **Regional experience (2.2.6):**
  - ✓ Ten years of experience in Djibouti
- **Development Cooperation (DC) experience (2.2.7):**
  - ✓ Five years of experience in advising and representing international development cooperation, focusing on labour law and employee-related regulations.

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

For the technical assessment, an average of the qualifications of all specified members of the expert pool is calculated.

Please send a CV for each pool member (see below Chapter 6 Requirements on the format of the bid) for the assessment.

**5. Costing requirements**

- 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 a timesheet on agreed subject as indicated in the TOR, reflecting the actual number of expert hours or expert days
- Payment schedule: payment after every 6 expert days providing with a time sheet and Project number of the project that requested the service
- 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	Comments
• Preparation/debriefing	1	1	
• Implementation	1	23	

<b>Travel expenses</b>	<b>Number of experts</b>	<b>Number of days/nights per expert</b>	<b>Comments</b>
• Per-diem allowance in the country of assignment	-	-	The number depends on the actual travel needs and cannot be estimated in advance.
• Overnight allowance in the country of assignment	-	-	The number depends on the actual travel needs and cannot be estimated in advance.
• Travel costs (train, private vehicle)	-	-	The number depends on the actual travel needs and cannot be estimated in advance.
<b>Flights</b>	<b>Number of experts</b>	<b>Number of flights per expert</b>	<b>Comments</b>
• International flights	-	-	The number depends on the actual travel needs and cannot be estimated in advance.
• Domestic flights	-	-	The number depends on the actual travel needs and cannot be estimated in advance.
<b>Other costs</b>	<b>Number of experts</b>	<b>Amount per experts</b>	<b>Comments</b>
<i>None</i>	0	0	

## 6. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToR. In particular, 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.

For each expert proposed a CV must be provided. The CVs of the personnel proposed in accordance with Chapter 4 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 shall 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.

## 7. Option

The possibility to continue or extend the necessary components of the duties under the contract's framework for an extra two years exists once the desired tasks have been finished.

