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**REQUEST FOR CONSULTANTS’ QUALIFICATIONS**

**Legal Consultant for**

**Millennium Foundation Kosovo**

**RCQ-MFK- 002**

**22 May 2018**

1. The Government of Kosovo has established the Millennium Foundation Kosovo (MFK) as an autonomous entity with independent legal authority to oversee, manage, and implement a Threshold Program funded by the Millennium Challenge Corporation (“MCC”). MCC is a U.S. government agency focused on assisting countries dedicated to good governance, economic freedom, and investments in people.
2. The MCC Threshold Program with Republic of Kosovo will provide up to $49 million to support significant policy reforms in improve electricity supply through promoting energy efficiency and renewable energy generation, as well as promote transparent and responsive governance. The Threshold Program will run for up to four (4) years after signing of the threshold program grant agreement in early September 2017. This timeframe includes up to six (6) months for program start up and wind down.
3. MFK invites qualified and experienced **individual** consultants to provide the consultancy services as detailed in Annex A: Terms of Reference. CVs provided by consulting firms shall not be considered. Individual consultants are not allowed to associate with other individual consultants or firms for this assignment.
4. An Individual Consultant will be selected under the *Individual Consultants* method, the evaluation procedure for which is described in the attached Terms of Reference in accordance with MCC Program Procurement Guidelines which are provided on the MCC website ([www.mcc.gov](http://www.mcc.gov/)/ppg).
5. MFK shall evaluate the CVs based on the qualifications and experience requirements and criteria provided in Annex A. After said evaluation of the CVs/Resumes/Qualifications. The selection process, as described, will include a review of qualifications and past performance, including a reference check that shall be subject to verification prior to the contract award.
6. MFK reserves the right to also check references. If the verification process supports the initial findings, the Consultant may be invited to negotiate the contract including rates. Should negotiations fail with the most suitably qualified Consultant, MFK may at its discretion proceed to verify the qualifications of the next most suitably qualified Consultant.
7. MFK is not bound to accept any of the qualifications submitted and reserves the right to cancel the process at any time.
8. The contract is expected to start by June 2018 and shall have a base period of two (2) years (the “Base Period”), with MFK having the option, at its sole discretion, to extend for additional period (referred to as “Option period”). The option period may be for less than 16 months to correspond with the expiration of the Threshold Program Grant Agreement on September 12, 2021 and may include a 120-day period after the expiration of the Threshold Program.
9. All requests for clarifications associated with this RCQ and its Terms of Reference must reach MFK – in writing, to the email below - by **15.00pm local time of** **25 May 2018**.
10. Consultants must submit their Expression of Interest and CVs to the address below no later than **11: 00 am local time of 29 May 2018.** Qualifications submitted by email in pdf format are acceptable.

Consultants who intend to submit Qualifications should register their interest by sending an e-mail (with subject: EOI for Legal Consultant) to the Procurement Manager on procurement@millenniumkosovo.org , giving full contact details of the Consultant. This will ensure that the Consultants receive updates regarding this RCQ.

Office of the Millennium Challenge Kosovo

Str. Johan v. Hahn no.11 Prishtine, Kosovo same building with Kosovo Agency for Radiation Protection and Nuclear Safety)

Email: procurement@millenniumkosovo.org

Phone Number: 00 383 38 200 14 315 (Phone number is for information only and is not part of the delivery address.)

**Annex A**

**TERMS OF REFERENCE**

Ref: **RCQ-MFK- 002**

Government of Kosovo has established the Millennium Foundation Kosovo (MFK) as an autonomous entity with independent legal authority to oversee, manage, and implement a Threshold Program funded by the Millennium Challenge Corporation (“MCC”). MCC is a U.S. government agency focused on assisting countries dedicated to good governance, economic freedom, and investments in people.

MCC Threshold Program with Republic of Kosovo will provide up to $49 million to support significant policy reforms in improve electricity supply through promoting energy efficiency and renewable energy generation, as well as promote transparent and responsive governance. The Threshold Program will run for up to four (4) years after signing of the threshold program grant agreement in early September 2017. This timeframe includes up to six (6) months for program start up and wind down.

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MFK is currently seeking a one (1) full-time Legal Consultant to provide legal assistance towards effective implementation of the Threshold Program comprising of Reliable Energy Landscape Project and Transparent and Accountable Governance Project

**Responsibilities and Tasks**

The Legal Consultant, under the supervision of the Director, Administration & Finance, functions as a lawyer in providing legal research, document review and management, and the monitoring of legal actions and compliance with the MCC and MFK legal framework and guidelines.

The Legal Consultant is responsible for providing advice to the MFK Board, MFK Management, and the staff on all legal issues affecting MFK and its operations. He/she will be responsible for identifying and addressing legal issues associated with the MFK Threshold Program.

**Responsibilities of the Legal Consultant include, but are not limited to:**

* Execute a full range of Legal support functions related to researching legal/statutory requirements, preparatory casework for legal proceedings, etc. and ensure that these are consistent with standards and schedules within the legal framework;
* Help to identify, and advise on, situations that may involve elements of fraud and corruption and/or conflicts of interest in the implementation of the Threshold Program. Coordinate training and advice on MCC policies and applicable laws, regulations and other policies relevant to the prevention, detection, and correction of fraud and corruption.
* Coordinate training and advice on matters of ethical behavior, including the avoidance of conflicts of interest and policies governing confidentiality and transparency. This training will include the MFK Board, MFK Management, and other staff of the MFK, and, where appropriate, implementing entities of the Government of Kosovo and of MFK contractors.
* Is responsible for identifying and analyzing legal issues; supporting negotiation and drafting key documents; writing, reviewing, and editing reports, opinions, correspondence, articles, and other documents, presenting clear recommendations to the MFK Management on legal matters; and ensuring legal compliance by MFK- with:
	+ the obligations of MFK and the Government contained in the Threshhold Agreement (“Agreement”) or any other supplemental agreements entered into under or in furtherance of the Agreement
	+ MFK bylaws and Kosovo laws and regulations; and any other applicable laws, regulations and agreements;
* Provides legal advice on all issues affecting the operations of MFK including, but not limited to, grantees contracts, third party commercial contracts, fiscal and procurement law, and corporate governance and records management.
* Provide guidance on legal implications of procurement and financial activities that may be undertaken by MFK;
* Draft and review transactional documents (e.g. form contracts in procurement documents, MFK contracts and subsequent amendments, project agreements and employment contracts) for compliance with documentary requirements, and consistency with established MCA formats;
* Advises on employment matters, including drafting, negotiating and administering employment agreements
* Advise MFK Management and staff on issues related to non-compliance with legal documentary and ethics guidelines by MFK personnel, and anticipate issues that may arise from non-compliance;
* Explain the process and guidelines for the completion of legal documents, submission/compliance with local legislation/regulations;
* When necessary, participates in negotiations, assures that the negotiating representatives are duly empowered, draft negotiation minutes and prepares and advises on all types of contracts to be executed by MFK for the implementation of the Agreement;
* Advises the MFK Board, MFK Management and the staff in anticipating and guarding against legal risks facing the program
* Cooperates with and advises representatives of the Government bodies, including ministries and other public agencies, regarding the Government’s responsibilities under the Threshold Agreement,
* Represents MFK before courts, regulatory and administrative bodies, and in arbitral proceedings, where appropriate
* Assist the MFK Procurement Manager in preparation, reviewing and decision-making on the claims submitted by the bidders in respect of the protests submitted on the procurement decisions as per MFK bid challenge system, as appropriate
* Participate as a member of the Level 1 Authority of the Interim Bid Challenge System and/or the Bid Challenge System.
* Maintain complete files of MCA legal documentation, ensuring completeness, confidentiality, and accessibility for use by the legal team, and for audit purposes;
* Track legal actions to assure that deadlines are met and to resolve impediment to clearance or approval.
* Act as the main liaison between the MFK and MCC on legal matters relating to the implementation of the Threshold Program; and Performs such other duties and exercise such other powers as are commonly incidental to the MFK office, as well as such other duties and powers that shall be assigned from time to time by the Executive Director.

**Qualifications and Experience**

* University degree in Law
* Be able to practice Law in Kosovo
* At least five (5) years or more of professional work experience in tasks that are relevant to the activities of this assignment and that demonstrate that the Consultant possesses the knowledge and skills to perform the assignment successfully is required.
* Strong computer skills with functional working knowledge of Microsoft Office applications
* Bar Exam (desirable)
* Proficiency in English and Albanian required. Proficiency in additional local languages desirable.

**In addition, candidates must:**

* Be of outstanding character and integrity.
* Be free of all conflicts of interest and committed to protecting the integrity of the MFK program.

**Evaluation of Qualifications**

MFK will evaluate the qualifications and experience of all interested Consultants, and invite the Consultant who, in MFK’s assessment, is most suitably qualified for the assignment to continue with the selection and negotiation process as described in the RCQ. While all required and preferred qualifications are important, MFK will place relatively more weight on demonstrated relevant knowledge and abilities and successful experience in prior performance of similar projects.

***FORM - 1***

**RCQ-MFK- 002 Legal Consultant for**

**Millennium Foundation Kosovo**

**MFK, Kosovo**

**CONSULTANTS’ QUALIFICATIONS SUBMISSION FORM**

Date : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Name : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Tel: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 E-Mail : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

To:

 c/o: Procurement Manager

procurement@millenniumkosovo.org

**RCQ-MFK- 002**

**Legal Consultant for**

**Millennium Foundation Kosovo**

I, the undersigned, offer to provide the consulting services for the above-mentioned assignment in accordance with Request for Consultants’ Qualification dated 22 May 2018 and its attached Terms of Reference.

I hereby submit my Qualifications including my latest updated Curriculum Vitae which contains among others my previous relevant assignments and references with complete contact details.

I hereby declare that all the information and statements made in this EOI are true and correct. I accept that any misinterpretation contained herein can lead to my disqualification.

My submission is binding upon me and is subject to modifications arising from Contract negotiations.

I undertake, if my proposal is accepted to initiate the consulting services on the date indicated in the RCQ.

I understand that you are not bound to accept any submissions that you may receive.

Yours Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name and Signature

***Form 2***

**RCQ-MFK- 002 Legal Consultant for**

**Millennium Foundation Kosovo**

|  |  |
| --- | --- |
| 1. Name
 | [Insert full name]  |
| 1. Date of Birth
 | [Insert birth date] |  |  |
| 1. Nationality
 | [Insert nationality] |  |  |
| 1. Education
 | [Indicate college/university and other specialized education, giving names of institutions, degrees obtained, and dates of obtainment]. |
| 1. Membership in Professional Associations
 |  |
| 1. Other Training
 | [Indicate appropriate postgraduate and other training]  |
| 1. Countries of Work Experience
 | [List countries where the consultant has worked in the last ten years] |
| 1. Languages
 | [For each language indicate proficiency: good, fair, or poor in speaking, reading, and writing]  |
|  | Language | Speaking | Reading |  Writing |
|  |  |  |  |  |
| 1. Employment Record
 | [Starting with present position, list in reverse order every employment held by the consultant since graduation, giving for each employment (see format here below): dates of employment, name of employing organization, positions held.] |
|  | From [month] [year]: | To [month] [year]: |
|  | Employer: |
|  | Position(s) held: |
| 1. Work undertaken that best illustrates capability to handle the tasks assigned:
 | [Among the assignments in which the consultant has been involved, indicate the following information for those assignments that best illustrate his/her capability to handle the tasks listed in the TOR] |
|  | Name of assignment or project: |  |
|  | Year: |  |
|  | Location: |  |
|  | Client: |  |
|  | Main project features: |  |
|  | Position held: |  |
|  | activities/tasks performed: |  |

1. References: [*List at least three individual references with substantial knowledge of your work. Include each reference’s name, title, phone and e-mail contact information. MFK reserves the right to contact other sources as well as to check references, in particular for performance on any relevant MCC-funded projects.*]
2. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications, and my experience. I understand that any wilful misstatement described herein may lead to my disqualification or dismissal, if engaged.

I, the undersigned, hereby declare that I agree to participate in the above-mentioned assignment. I further declare that I am able and willing to work for the period foreseen in the above referenced Request for Consultants’ Qualifications.

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| --- | --- |
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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

Date:

Address:

Tel:

E-Mail: