

Terms and References for Hiring a longer-term Legal Consultant for Professional Legal Service

(Handicap International Federation- Humanity & Inclusion, Sri Lanka Programme)

1. CONTEXT:

Handicap International – Humanity & Inclusion (HI) is a non-governmental, non-religious, non-political and non-profit making international organization. It works for people with disabilities, whatever the context, offering them assistance and supporting them in their efforts to become self-reliant. Since its creation, the organization has set up programs in approximately 60 countries and intervened in many emergency situations.

Humanity & Inclusion (HI) has been operating in Sri Lanka since 1992. It started its operation in Sri Lanka with the training of rehabilitation professionals in Health Sector. Today the mission has expanded to include numerous interventions like inclusive economic development, social inclusion, disaster risk reduction, physical rehabilitation and human rights and democracy.

HI has aim to hire a long-term legal consultant to have management assurance on regulatory affairs related to the day-to-day operation of HI Sri Lanka program.

2. SCOPE OF WORK:

Legal Advisor is an important position in an organization with roles and responsibilities of managing legal, litigated, and regulated issues to avoid any complexity raised by the regulatory authority. Legal consultant is dedicated to accomplishing the legal task and issues as assigned considering the JD and as requested. This legal consultant will give us the ability to manage all legal issues and tasks that were difficult for us to manage until now. In collaboration and day to day interaction with Country Compliance Manager, the consultant will ensure the legal protection of the organisation by providing legal support in the area of employment law, commercial/donor law, tax law or the reinforcement of the framework of delegations and Internal Control of the organization.

3. CONTRACTING DEPARTMENT:

Logistics Department, HI SL Colombo Office.

4. DESCRIPTION OF THE EXPECTED SERVICE

The legal Advisory support is an important and critical requirement within any organization. It is expected to have defined roles and responsibilities for the legal advisor (whether an individual consultant or a legal Firm) of an entity for managing legal, litigated and regulated issues to avoid any complexity raised by the regulatory authority as well get rid of from any legal punishment. This legal Advisor will give us the ability to manage all organizational regulatory obligations for managing HI staffs, dealing with third parties, e.g partner's, suppliers, consultant, volunteer's e.tc and legal backstopping HI to be compliant with legislative requirement in HI correspondences with different govt. authorities and other stakeholders. In collaboration with Country Manager, the consultant will ensure the legal protection and safeguarding of the organisation by providing legal support in the area of employment law, commercial/donor law or the reinforcement of the framework of delegations and Internal Control of the organization.

The main objective of this consultancy work is to, professionally assist perform and to obtain INGO related all Legal matters- HI Policy's transformation/making Compatible with the laws of Sri Lanka/ prepare Legal Notice/TOR or Agreement of Legal Issues/ acceptance letter of any concerned department of HI and hand over to the HI Sri Lanka to solve those issues.

1. EXPECTED RESULTS AND INDICATORS FOR DELIVERABLES:

All the legal service that feels necessary by HI SL Management and such request is placed through written communication.

2. LEGAL ADVISOR PROFILE FOR BOTH INDIVIDUAL/ FIRM:

Essential Profile of the Legal Advisor

Certifications/ Enrolment: The Individual Advisor or the assigned representatives of a Legal Firm must hold a law degree from a recognized university or institution and s/he must be admitted and enrolled as an Attorney- at- Law of the Supreme Court of Sri Lanka.

Knowledge and Experience: The respective person should have 10 years of practical legal experience for providing relevant advisory support to meet regular legislative requirements of I/NGO 's working in Sri Lanka.

Specialization: Legal and Regulatory Requirements and practices (specially for Sri Lanka Labour law, taxation, regulations related to foreign donations and grants, The Foreign Exchange Act and regulations, NGO Laws and Financial Regulations) in the non-profit organizations (INGO/NGO) in Sri Lanka.

Legally Compliant: Any one (either individual or a firm) intended to serve HI Sri Lanka program, must have a valid trade licence/ Regulatory licences, VAT Registration Certificate and Tax certificate.

Performance: HI will hire competent professionals for serving better to the organizations. Potential applicants need to submit to HI- at least 2/3 recent work order/ assignment contract/ Purchase Order for relevant services along with evaluation/ service completion report.

Commitment: The Legal Advisor will be committed for serving HI with highest professional standard with demonstration of Timeliness and responsiveness. The respective Individual/ Firm or representatives should be obedient and abide by the "HI Code of Conduct, Safeguarding Policies, Fraud & Corruption Policies, AML/CFT strategies, Data Protections and Confidentiality policies and HI General terms for purchasing".

Confidentiality: The respective person should be trustworthy to maintain privacy and secure HI interest as well as the Advisor also agreed and has to sign HI Sri Lanka Confidentiality Statement.

3. DURATION AND PLACE OF PERFORMANCE OF THE SERVICE

Start date: From the date of signing the contract with the Legal Advisor

End date: One year from the date of signing contract between HI and the Legal Advisor/firm with possibility of extension on quarterly or yearly basis based on the performance and market assessment

4. WORK ENGAGEMENTS WITH HI:

HI will pay a fixed amount/ month to legal advisor/firm since HI can't assure the volume or type of work in advance and the nature of engagement with HI will be fully on need-by-need basis. This defines as type of work such as review and vetting any documents, agreement, legal advice on HR issues related to HI Sri Lanka. In case of a service is needed for HI to deal the specific case and subject to represent HI at court level, those relevant cost will be separate/additional from the monthly payment and will be negotiated payment will be made on actual basis of expenditure upon money receipt. The Advisor must be legally accountable to HI for the decision/ opinion/ consultations are given by the advisor against written service request by HI.

5. COST OF THE ENGAGEMENTS, TIMELINES AND DELIVERABLES:

The legal Advisor will be contracted on fixed monthly remuneration basis. A fixed amount will be paid monthly regardless of whether the service is utilized or not. A list of expected areas of work for a legal advisor, but are not limited to the following tasks: Legal validation of HI management decision for staff recruitment, termination, dismissal e.tc

a) Legal Validation of HI's correspondences with Govt. Authorities

- b) Legal Validation of newly developed HI Policy and Procedures and amendments made in HI policy and procedures
- c) Validation of 3rd party's (supplier, contractor, volunteer, consultant e.tc) agreement
- d) Validation of HI's partnership contract and amendments with PNGO's or Donor's
- e) Validation of HI staff's employment contract
- f) Representation on HI' behalf related to the legislative issues with third parties or in a court or in an arbitration.
- g) Any other legal service request from HI

All quoted price of legal Advisor must be inclusive of applicable VAT & TAX under Sri Lankan Laws. All Delivery timelines are calculated on working day basis and all deliverables must be signed/ endorsed/ vetting by the Country Manager with date. All assigned task is expected to perform in Colombo with coordination of designated HI staffs. If required, he / she might require to travel to field locations with approval from the Country Manager

6. WORK PLAN

The following specific major tasks have been identifying for the legal Advisor/firm and they are responsible for the work in order to produce expected deliverables;

- a) Upon requesting a legal service from HI, the legal advisor will establish a work plan for the completion of the service and in consultation/ coordination with designated HI staffs.
- b) The work plan should give a clear description of how the legal Advisor intends to approach the activities necessary to the service's completion and how the deliverables to be certified by the designated HI staff.
- c) Act as authorized representative of HI in LEGAL CONSULTANCY for specific task and tenure.
- d) To submit LEGAL documents/ statements to concern departments (where needed) as advised and authorized;
- e) Provide legal information accommodating feedback received from any concerned officials or departments to HI.
- f) Report verbally and in writing (By email) as well to HI about the progress and outline and the next steps on by monthly/quarterly basis to remain abreast;

7. HI CONTACT PERSON AND VALIDATION PROCESS OF DELIVERABLES TO HI FROM THE LEGAL ADVISOR:

For day to task and involvement, Country Manager will be the primary contract person for the Legal Advisor. Country Manager will be responsible to ensure support for the legal advisor, in case of coordination required with any other HI staffs. During the performance of the service, the legal advisor will be required to manage and handle the assignment by working in collaboration with Handicap International's Compliance team, and notably with the HR Team, who will also be his/her contact person on the basis of need arises. However, the service delivered to HI by the Legal Advisor will only be validated by the bellow HI staff:

- For any service-related to HI Sri Lanka staff Management- Validation will require from Regional HR Manager
- Any other Legal Service for the organization - Validation will require from Compliance Manager
- Country Manager of SL will remain authority for all sorts of legal validation of SL program. When needed/ applicable, he/she will obtain necessary approval form Regional Director.

8. PAYMENT TERMS

- a) Fixed monthly basis payment: Each end of the month upon Receipts of Monthly engagement invoice shall be submit to Logistics department Colombo and deliverables if any.
- b) Any additional case as mentioned in the clause 4 Invoices to be submitted to HI Logistics from the legal advisor, after satisfactory delivery of the requested service.
- c) HI will deduct applicable VAT & Tax as per regulations of Government of Sri Lanka from every bills/ payment
- d) HI finance department will process the payment against the bills submitted by the legal Advisor only after validations of deliverables by the Compliance Manager.

9. EVALUATION CRITERIA:

- The selection criteria include:
 - Financial Proposal, which accounts for 60% of the total score.
 - Technical Proposal- 40%
 - Experiences -25%
 - Lead time and Favourable terms of condition -15%

SUBMISSION OF APPLICATION

Expression of interest should be forwarded to **p.hi-sri-lanka@hi.org** not later than 25th April 2024 (11:59pm) with Ref:.

Email Subject Heading: Expression of interest as a longer-term Legal Advisor Consultant for Professional Legal Service

The application should comprise of all required documented information mentioned above in the Terms of Reference and also all those mentioned below-

- Required previous work experience, legal business certificates/authorisations should be documented (scanned copy of original documents)
- Technical Proposal
- Financial Proposal
- Bank details of applicant

Agreed and Accepted by the Legal Advisor:

Name, Signature and Seal of the Legal Advisor/ Firm:

Date: