

Request for Expression of Interest (REOI)
For
Consultancy Services for Consultant Company

Country: Islamic Republic of Afghanistan
Entity Name: Da Afghanistan Bank (Central Bank)
Consultant Service: Consultancy Legal Services to Da Afghanistan Bank (DAB)
Funded by : Government of Islamic Republic of Afghanistan (Da Afghanistan Bank)
EOI #: DAB/1400/NCB/CS04
Advertising Date: 18th January 2021
Closing Date: 09th February 2021

(1) Background:

Da Afghanistan Bank (DAB) was established in 1938 under as the Islamic Republic of Afghanistan's Central Bank with the primary objective of devising, implementing, and adopting monetary policies, foreign currency policy, provision and printing of banknotes, and minting of coins. Meanwhile, DAB is the sole authority for the issuance of licenses to the banks, foreign exchange dealers, and financial services providers.

DAB plays an important role in ensuring continued stability of the Afghanistan's banking and financial sector. As a result, DAB issues this request for proposal (RFP) to onboard a suitable partner that meets the requisite experience, skills and resources to help DAB with establishing appropriate legal, risk and compliance functions.

More specifically, DAB has the following functions and responsibilities:

1. Formulate, adopt and execute the monetary policy for Afghanistan banks.
2. Formulate, adopt and implement the currency policy and Afghanistan currency arrangements.
3. Hold and manage the official foreign exchange reserves of Afghanistan.
4. Print, mint and issue Afghani banknotes and coins;
5. Act as banker, adviser, and fiscal agent of the state in banking affairs and it's subordinating fields;
6. License, regulate and supervise banks, foreign exchange dealers, money service providers, payment system operators, securities service providers, and securities transfer system operators;
7. Establish, maintain and promote sound and efficient payment systems for transfer of securities issued by the state or DAB.

Henceforth, for smooth and steady handling of its responsibilities, DAB is hiring a law firm for the provision of the legal services as per the underneath stated Scope of Work (SoW).

The proposal to be submitted should address the consultant's ability to provide the legal services referred to herein as per the SoW.

DAB reserves the right to accept or reject any proposal submitted in response to this RFP without the need to provide a detailed explanation.

(2) Evaluation Criteria

The proposals in response to this RFP will be evaluated by representatives of the DAB particularly concerning the consultant's:

- a. proposed strategy/action plan for establishment of an effective and efficient legal, risk and compliance functions;
- b. technical expertise;
- c. Prior team experience;
- e. data protection capabilities;
- f. monitoring procedures; and
- g. prior involvement the financial services institutions.

(3) Objective

The main objective of this RFP is to hire a competent legal firm that can provide comprehensive legal services in relation to drafting legislation, policies, legal documents, court representation, legal and financial templates, regulatory compliance, regulatory advice and other services in accordance with the requirements of the Scope of Work in this RFP.

(4) Scope of Work

DAB is intending to hire a law firm to provide the following legal services:

1. Legal Advisory

- a. Reviewing the current contractual arrangements and provision relevant of legal advice;
- b. Providing advice in relation to eviction and foreclosure of DAB's properties;
- c. Developing the financial dispute resolution mechanisms for DAB;
- d. Managing end-to-end legal aspects of the DAB's procurement process;
- e. Establishing of an AML/CTF risk-based framework;
- f. Providing legal advice on the loan and lease agreements;
- g. Assessment of the existing risk and compliance functions of the DAB to identify gaps/deficiencies and recommend solutions for addressing any such gaps/deficiencies;
- h. Conduct training on risk and compliance for the DAB employees;
- i. Providing legal opinion for development of the insurance, AML/CFT platforms;
- j. Providing advice on insolvency and receivership of the banks;
- k. Advising and developing the electronic money institutions platform/framework in order to meet the internationally applicable standards;
- l. Ongoing monitoring of the DAB's projects, drafting and review of the contractual documents and monitoring delivery of contractual obligations;
- m. Identifying any issues with project partners or other parties to resolve issues before they escalate to disputes.
- n. Any other ad hoc advice requested by the Governor of DAB.

2. Legislative Drafting

- a. Preparing legislative documents (laws and regulation);
- b. Drafting, negotiating and execution of the contracts including but not limited to employment, procurement and banking;
- c. In order for the facilitation of the banking sector affairs, review/drafting MoUs with both private and governmental institutions in compliance with all applicable laws;
- d. Reviewing the current banking legislative framework for the purposes of gap analysis and provision of advice to address those gaps and deficiencies in the current legislation; and
- e. Any other ad hoc tasks requested by DAB Governor.

3. Court Representation

- a. Assisting DAB’s Legal Directorate General in internal handling of complaints on behalf of DAB;
- b. Advising DAB with respect to any potential lawsuits in the courts.
- c. Assisting DAB representatives in relation to current or future litigation, mediation, and arbitration to settle any actual or potential disputes.
- d. Assisting DAB representatives with respect to any civil or criminal investigation or proceeding before any government entity.
- e. Assisting DAB’s Legal Directorate General to represent DAB before national and international government and non-government agencies concerning the cases in which DAB is a party.

(5) Miscellaneous

DAB should be able to request any other services in addition to the services listed above.

(6) Reports and Deliverables

The law firm shall provide the deliverable/ requested tasks to DAB at least not more than one week.

(7) Duration

The required services based on the Scope of Work will be provided within 12 months of the contract being awarded to the selected law firm.

(8) Terms of the Payment

DAB will process the payments to the law firm based on the assigned tasks and the invoices received.

(9) Work Plan and Methodology

- a. Legal Approach and Methodology (based on understanding and policy of the consultant);
- b. Work Plan and schedule for completion of the task (based on the mentioned Scope of Work);
- c. Organization and staffing arrangement (based on the project and personnel requirements).

(10) Required Personnel and Experience

- 1. The law firm is required to have the following relevant past experience:
 - a. The law firm or their employees should have worked in at least 2 similar projects;
 - b. The law firm shall provide the documentation/certifications for completion of the projects.
- 2. The following core Key Experts are needed in the team (7 experts):

Experts	Qualifications	Experience	Number
Senior Counsel	Master in Law	5 years general or 3 years of relevant experience	1 person
Senior Associate	Bachelor in law, preferred Master in Law	Three years of experience	1 person
Associate	Bachelor in Law	2 to 4 years of relevant	2 persons

Attorney		experience	
Legal Assistant/ paralegal	Bachelor in Law	1 to 2 years of experience	2 persons
Other staffs/ Legal intern (per requirement)	Bachelor in Law	1 year	1 person

- **The consultant shall demonstrate having sound financial situation and capacity in the past three years (should not have incurred losses) by submitting latest financial audit report with an annual turnover of at least AFN 5,500,000 for any of the last 3 (three) years;**
- **The consultant shall have been in business since at least last 5 (five) years;**
- **The consultant shall also provide proven experiences of having executed at least one contract of similar nature.**

1. Consultants may associate with other firms (local or International) to boost their capacity and enhance the value and quality of their services. If consultants intend to associate with other firms, they shall clearly state in their EOI the composition and form of the association and identify the lead Consultant.

2. Consultants will be short listed in accordance with Quality and cost Based Selection (QCBS) procedures set out in the Public Procurement Law (17th September 2016) of the Government of Islamic Republic of Afghanistan. Interested consultants may obtain further information and collect the Terms of Reference at the address below from 8:30 am to 3:30 P.M local time, Saturday to Thursday.

3. Expression of interest (EOI) shall be delivered on or before **10AM Kabul local time Tuesday, 09th February 2021** at the address given below. The EOI submission shall be made as: One "Original" plus two "Copies" including a soft copy on CD. Consultants may, optionally, submit their EOI by email. If an EOI is submitted by email the consultant must ensure that it is the complete and signed copy that is being attached. An EOI that is not signed will not be accepted.

Address

**Procurement Department
Da Afghanistan Bank (Central Bank)**

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