

Date: 02 November 2023

To: All Bidders

From: International Development Law Organization, Headquarters Procurement Unit

Subject: RFP NO. N-87-2023/UKR/RFP Services Provision of Legal Counsel to be provided through Framework Agreement.

Clarification Letter No: 2

Reference is made to IDLO RFP NO. N-87-2023/UKR/RFP issued on 12 October 2023 for Procurement of Services Provision of Legal Counsel to be provided through Framework Agreement.

Please find hereunder the queries received and IDLO's response to them.

1. **Question:** You indicated that we should provide Certificate of Incorporation/ Business Registration and Proof of the law firm's proper registration. As a proof of proper registration and incorporation we have only Extract from unified register of legal entities. Therefore, can we provide only extract as document for these two requested point, as we don't have Certificate of incorporation as a separate document?

IDLO Answer: Yes, you can, if the provided documentation confirms the mentioned pre-qualification criteria.

2. **Question:** As for the documents as extract and certificates, accounted financial statement and Tax registration certificate of Attorney should be provided in Ukrainian? Or it should be translated in English, if so should in be notarised?

IDLO Answer: The official Ukrainian documents, as mentioned above in the question, are not required to be translated into English. They can be submitted in the Ukrainian language.

3. **Question:** What is redacted writing samples? And what is the difference between this and Depersonalized samples of documents, memoranda prepared during rendering similar services as described in section C?

IDLO Answer: The redacted sample is more general notion which would include more specific samples of documents.

4. **Question:** What we should provide as a Proof of malpractice or other insurance, if required under national law? We have insurance certification, will it respond to the requested document?

IDLO Answer: As requested in the Bid documentation - Proof of malpractice or other insurance, if required under national law. Thus, that is correct, the proof of malpractice or other insurance is not mandatory.

5. **Question:** Minimum two (2) copies of contracts of similar value, nature and complexity implemented over the last three (3) years as evidence of the company's experience in delivering the requested services;
- As every contract is confidential we can't provide just a scan copy of it, therefore in what form should we provide contracts?

IDLO Answer: The above mentioned requirement is one of the pre-qualification criteria that is requested by IDLO. While providing the scan copy of the contract(s), the sensitive information can be eliminated in any way convenient for the bidder.

6. **Question:** In point 7 of Annex A you indicated that we should provide

1. Proposal Submission Form (see Annex D);
2. Bidder Information Form (see Annex E)
3. Bidder's Proposal divided into:

- a. Technical Proposal (see Annex F1)
- b. Financial Proposal /Price Schedule (see Annex F2)

Then in point 12 you indicate that the Bidder should send two emails one for Technical proposal, one for Financial.

As for Annex D and E the Bidder should send them together with technical proposal as separate files?

IDLO Answer: The Annexes D and E can be sent together with the technical proposal. Please note that Annex D is to be signed and stamped (if applicable).

7. **Question:** Regarding Annex E. The Bidder should attach documents (last line in the table). We should attach them in separate files or we should include them below this table?

IDLO Answer: The supporting documents to the Annex E can be attached in any way convenient for the bidder.

8. **Question:** Regarding CVs.

a) We should include them in Annex E or we should provide them in Annex F1 - Technical proposal?

b) In the CVs template there are slots for references - it should be references from previous place of work or it refers to two references indicated in the Annex E - Reference Letters from Inter-Governmental/National/International Organizations or Foreign Diplomatic Missions in Ukraine with contactable domain email addresses for verification

IDLO Answer:

- a) The CVs should be provided in the format requested, but in any way convenient for the bidder.
- b) As CV related to the particular employee, the reference relates to the previous place of work.

9. **Question:** A Bidder is required to submit a “Certificate of Incorporation/ Business Registration” and “Proof of the law firm's proper registration”. In Ukraine, the certificate of incorporation was cancelled in 2015. Now, an extract from the Unified State Register of Enterprises and Organizations of Ukraine (USREOU) can be issued instead of such a certificate and constitutes proof of the law firm's proper registration.

Would it suffice if a Bidder submits a scan of its articles of association (charter) and the extract from the USREOU?

If so, are there any requirements for the issuance date of the extract from the USREOU? For example, would it suffice if the extract was issued approximately six months ago?

Articles of association (charter) and the extract from the USREOU are laid down in Ukrainian. In view of the latest clarification, do we understand correctly that translation of these documents into English is not required?

IDLO Answer:

Yes, it would be sufficient, if the provided documentation confirms the mentioned pre-qualification criteria.

The Ukrainian documents, as mentioned above in the question, are not required to be translated into English. They can be submitted in the Ukrainian language.

10. **Question:** A Bidder is required to submit “Redacted writing samples”.

Would submission of “samples of documents, memoranda prepared during rendering similar services as described in section C” suffice to meet the above requirement? If not, which documents would meet such a requirement?

Written samples can constitute large files. If written samples were originally done in Ukrainian, is a Bidder required to translate them into English?

IDLO Answer: Yes, submission of the above mentioned document seems appropriate. The Ukrainian documents, as mentioned above in the question, are not required to be translated into English. They

can be submitted in the Ukrainian language.

11. **Question:** A Bidder is required to submit “samples of documents, memoranda prepared during rendering similar services as described in section C”. Those are confidential documents containing sensitive information.

Would it suffice if a Bidder submits scans of selected pages of such documents and redacts all the information, which allows identification of the clients or could be sensitive?

Written samples can constitute large files. If written samples were originally done in Ukrainian, is a Bidder required to translate them into English?

IDLO Answer:

The required documents are requested to be submitted in their entirety but with sensitive information eliminated in any way convenient for the bidder.

The Ukrainian documents, as mentioned above in the question, are not required to be translated into English. They can be submitted in the Ukrainian language.

12. **Question:** A Bidder is required to submit “copies of the certificates of attorney, proof of qualification to appear before the court of law”. In Ukraine, an attorney certificate constitutes a proof of qualification to appear before the court of law. Would it suffice if a Bidder only submits scans of attorney certificates?

IDLO Answer:

It is sufficient to submit a scan of attorney certificate.

13. **Question:** A Bidder is required to submit “proof of malpractice or other insurance, if required under national law”. Ukrainian law does not require Ukrainian law firms to have proof of malpractice or other insurance.

Could you please kindly confirm that Ukrainian law firms are not required to submit such documents?

IDLO Answer: As requested in the Bid documentation - Proof of malpractice or other insurance, if required under national law. Thus, that is correct, the proof of malpractice or other insurance is not required.

14. **Question:** A Bidder is required to submit “audited financial statements (balance sheets, including all related notes, and income statements) and/or bank statements for the last 3 years”.

Bank statements are confidential and contain a wide range of sensitive records. Furthermore, we operate in the form of LLC. Ukrainian law does not require the financial statements of LLCs to be audited.

Given the above, would it suffice if a Bidder submits:

unaudited financial statements that have been prepared and submitted to the tax authorities;

or

a depersonalized cash flow certificate which outlines cash inflows and outflows from operating and financing activities over a three-year period?

IDLO Answer: It is sufficient to submit unaudited financial statements that have been prepared and submitted to the tax authorities.

15. **Question:** A Bidder is required to submit “minimum two (2) copies of contracts of similar value, nature and complexity implemented over the last three (3) years as evidence of the company's experience in delivering the requested services”.

Such contracts are confidential. Would it suffice if the Bidder submits copies of the contracts where all the information, which allows identification of clients or could be sensitive to clients, is redacted?

IDLO Answer: The above mentioned requirement is one of the pre-qualification criteria that is requested by IDLO. While providing the scan copy of the contract(s), the sensitive information can be eliminated in any way

convenient for the bidder.

- 16. Question:** You indicated that we should provide Certificate of Incorporation/ Business Registration and Proof of the law firm's proper registration. As a proof of proper registration and incorporation we have only Extract from unified register of legal entities. Therefore, can we provide only extract as document for these two requested point, as we don't have Certificate of incorporation as a separate document?

IDLO Answer: Yes, it would be sufficient, if the provided documentation confirms the mentioned pre-qualification criteria.

- 17. Question:** What we should provide as a Proof of malpractice or other insurance, if required under national law? We have insurance certification, will it respond to the requested document?

IDLO Answer: As requested in the Bid documentation - Proof of malpractice or other insurance, if required under national law. Thus, that is correct, the proof of malpractice or other insurance is not required.

- 18. Question:** What is redacted writing samples? What is the difference between this and Depersonalized samples of documents, memoranda prepared during rendering similar services as described in section C and redacted writing samples?

IDLO Answer: The redacted sample is more general notion which would include more specific samples of documents.

- 19. Question:** You indicated that we should provide two (2) copies of contracts of similar value, nature and complexity implemented over the last three (3) years. As every contract is confidential we can't provide just a scan copy of it, therefore in what form should we provide contracts?

IDLO Answer: The above mentioned requirement is one of the pre-qualification criteria that is requested by IDLO. While providing the scan copy of the contract(s), the sensitive information can be eliminated in any way convenient for the bidder.

- 20. Question:** Annex D and E should be included in Technical proposal (together with Annex F1)? Or they should be attached as a separate files together with Technical proposal?

IDLO Answer: The Annexes D and E can be sent together with the technical proposal. Please note that Annex D is to be signed and stamped (if applicable).

The review of the bids will be done based on the evaluation and award criteria stipulated in this solicitation in alignment with IDLO procurement principles. IDLO will inform each Bidder on the tendering results.

For your consideration while preparing your response to the above mentioned RFP. All other terms and conditions of the tender remain unchanged and remain applicable in full force.

We appreciate your continuous interest with IDLO and looking forward to receiving your valued offer.
Headquarters Procurement Unit
IDLO.