

REQUEST FOR EXPRESSION OF INTEREST
AFRICAN LEGAL SUPPORT FACILITY (ALSF)
LEGAL CONSULTANT

The African Legal Support Facility (“ALSF” or the “Facility”) hereby invites individual consultants to indicate their interest in the following assignment:
Legal Consultant.

1. INTRODUCTION

a. Presentation of ALSF

The African Legal Support Facility (the “ALSF” or the “Facility”) is an international organization hosted by the African Development Bank in Abidjan, Côte d’Ivoire. The ALSF’s main objectives include: (i) assisting African Governments in defending against litigation brought against them by vulture funds (and other such entities); (ii) providing legal advisory services to African Governments in the structuring and negotiation of complex commercial transactions relating to extractives and natural resources, infrastructure, PPPs, sovereign debt, and related commercial agreements; (iii) capacity building for lawyers and government professionals related to the above; and (iv) development of knowledge products.

b. Invitation to express interest and request for proposal

The ALSF invites you to submit an expression of interest with a technical and financial proposal for the position of Legal Consultant (the “Consultant”). The scope of work will consist of supporting the Ministry of Petroleum and Mineral Resources (“MoPMR”) in the structuring and negotiation of its Production Sharing Agreements (the “Project”).

All expressions of interest and joint proposals must be submitted to the ALSF at alsf@afdb.org with copies to the ALSF task managers listed in these Terms of Reference (m.mohammed@afdb.org) on or before 7 August 2020 at 18h00 GMT.

The technical offer must include comprehensive answers to questions raised in these terms of reference, as well as all additional information deemed useful and relevant. The Consultant will be selected after an in-depth analysis of the proposals, based on the basis of the criteria defined to respond to the needs and requirements of the Government and ALSF.

The ALSF expects the selected Consultant to provide high-quality services, reflecting good international practices, as well as ALSF's objectives and mission.

Incomplete proposals, late proposals, or proposals that do not fulfil the criteria established in these terms of reference shall not be considered.

2. **Project Context**

a. Reference on the Request

The ALSF received a request from the Federal Government of Somalia (“GoS”) to provide legal and technical assistance for capacity building and advisory services on the upcoming negotiation of several production sharing agreements (“PSA”) in relation to its proposed competitive license bidding round. The objective of the required assistance is to enhance and empower the GoS to manage and negotiate petroleum agreements and licenses; strengthen the government’s negotiation skills to ensure that these agreements are balanced (the “Project”). The ALSF will be engaging international legal counsel to support the GoS on this Project.

This assistance is aimed at ensuring that GoS officials are able to maximize the public benefits from the petroleum sector; increase production; attract investors; and ensure that the sector benefits the Somali people. The GoS is committed to designing contractual terms and establishing practices in line with the petroleum sector’s international standards and best practices that respond effectively to the economic needs of the country.

In addition to the requirement for international legal counsel, the MoPMR has requested financial support in the form of an embedded Legal Consultant within the MoPMR. The Consultant will be required to work closely with government officials and the external project advisors so as to ensure smooth project implementation.

b. Project description

The Project requires the procurement of an individual consultant in the capacity of Legal Consultant to support the MoPMR on the negotiation of its PSAs for a period of twelve months.

The appointed Consultant will also be required to provide training to the relevant staff members of the MoPMR as well as any relevant stakeholders.

The Consultant will be hired and remunerated by the ALSF.

3. **SCOPE OF SERVICES**

The scope of services for the Consultant shall include, without limitation, the following:

- I. Support international legal counsel and other project advisors in undertaking an assessment of the needs, priorities, and concerns with respect to the revision of the GoS’ current laws and regulations.

- II. Assist in carrying out the relevant legal work to follow up the implementation of the Project;
- III. Provide technical assistance in the formulation of a legal framework to support the petroleum sector in Somalia.
- IV. Coordinate the activities of the international legal counsel and transaction advisors at the MoPMR level;
- V. Provide on-the-job training on legal aspects of the sector to the government officials engaged in the negotiation of PSAs;
- VI. Participate in the PSA negotiation meetings (if required by the MoPMR) and provide the required local expertise on the legal elements of the negotiation process.
- VII. Provide general legal support to the MoPMR in relation to negotiating PSAs and undertaking its petroleum license bidding round.

The main objectives and outcomes of the Project relating to provision of the Consultant will be to:

- I. Ensure that the MoPMR officials retain capacity to conduct complex PSA negotiations on their own in the future;
- II. Ensure that the capacity building activities provided to the GOS are sustained.
- III. Support the GoS in designing contractual terms and establishing practices in line with the petroleum sector's international standards and best practices that respond effectively to the economic needs of the country

4. Qualifications and Experience Required

Education

- Master's degree or equivalent in Law;
- Admission to the Bar of a member of the African Development Bank would be desirable.

Experience:

- At least 5 years of relevant work experience, and good knowledge of petroleum sector in Somalia.

Job Knowledge & Expertise:

- Work experience advising government agencies in Somalia and the region;

- Ability to advise on the legal and technical aspects of contracts and agreements between States and oil companies, as well as public and private contracts;
- Demonstrated effective coordination skills and the ability to work under pressure to complete multiple tasks and meet deadlines;
- Demonstrated excellent technical skills, excellent communication and interpersonal skills, good writing and analytical skills;
- Ability to communicate and write effectively in English;
- Knowledge of Somali language would be an advantage.

Language Requirements:

- Fluency in English.

The provisional schedule of the Consultant's mission is indicated in the following table:

Actions	Proposed date and duration
Invitation for expression of interest and request for proposal	July 2020
Deadline for the submission of questions on the request for proposal	31 July 2020
Deadline for submitting an expression of interest together with the technical and financial proposals	7 August 2020
Recruitment of the Consultant	August 2020
End of mission	August 2021

ALSF shall closely monitor the relationship between the Government and the Consultant in order to ensure that the Project's forecast results have well and truly been attained.

5. Working method

The selected Consultant shall apply internationally recognised working methods and standards for the realisation of this type of State advisory and institutional support mission. He/she must offer the Government a suitable methodology.

6. Duration, Language and Reporting

The consultancy period shall be for a period of 12 months. The duration may be subject to an extension with the approval of the ALSF.

All documents prepared and submitted by the Consultant shall be in English. The Consultant shall report to the MoPMR (“Implementing Agency”) and he/she shall prepare monthly progress reports on the activities undertaken each month. A copy of this report shall be shared with ALSF.

7. Proposal content

The proposals must be sent to ALSF at the latest on 7 August 2020 at 18h00 GMT and must include a technical proposal and a financial proposal.

i. Technical Proposal

The Technical Proposal must include the following:

- a. Relevant expertise, qualification and professional experience.
- b. Experience and knowledge of Somalia or the relevant region, as well as the legal and socio-political situation;
- c. Commitment to capacity building, particularly in Africa as well as emphasis on methodologies and strategies to transfer skills to national relevant counterparts;
- d. Demonstrated excellent technical skills, excellent communication and interpersonal skills, good writing and analytical skills;
- e. Proposed methodology including:
 - i. Understanding of the ALSF and Government expectations (including appreciation of issues at stake of the project);
 - ii. Overview of the proposed methodology for approaching each of the identified services (scenarios, strategy, action plan, and proposed stages); and
- f. Potential conflicts of interest;
- g. Adequacy for the assignment: Maximum 3 to 5 recent and relevant case studies concerning the performance of this type of mission and experience in similar conditions mentioning the following data.

Performance period	Country (including party represented, contact information of a person who may be contacted (name, position, telephone number, email))	Description of the mission and tasks performed (nature of intervention, role played by each member of the proposed team, issues dealt with in the project, etc)
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ii. Financial proposal

The Financial Proposal will consist of a fixed fee corresponding to a non-revisable monthly lump sum, comprising fee, subsistence or other incidentals, for the duration of the assignment. The ALSF will cover travel and field mission costs (if any) as per African Development Bank rules in this regard.

iii. Annexes

- i. CV of the Consultant (including contact details, language capabilities and citizenship, registration/certificates of good standing).

8. Conflicts of interest, confidentiality and legal value

Your client in this matter will be the Federal Government of Somalia. In your proposal, please state any necessary information related to potential and/or real conflicts of interest related to this project.

In the situation where a conflict of interests arises, we invite the Consultant to propose measures to minimize potential conflicts of interests.

Any Consultant who would like to submit an offer in the context of these terms of reference should carry out all the necessary investigations and formally confirm that there is no existing or potential, real or apparent conflict of interest for the realisation of the mission.

9. Expression of Interest and Submission of Proposals

Interested individual consultants may obtain further information by email to Mrs Mariam Mohammed, Senior Legal Counsel at ALSF (m.mohammed@afdb.org).

Expressions of Interest together with the technical and financial proposals must be received jointly by email to alsf@afdb.org, copying Mrs Mariam Mohammed, Senior Legal Counsel (m.mohammed@afdb.org), no later than 7 August 2020 at 18h00 GMT, specifically mentioning “ALSF – Legal Consultant – Somalia PSA Project” in the subject heading.