



TERMS OF REFERENCE FOR PROVISION OF LEGAL SERVICES

1. Overview

WaterAid is an International Non-Governmental Organisation established in 1981 with a mission to transform lives of the poorest and most marginalized people by improving access to safe water, sanitation and hygiene. WaterAid's vision is a world where everyone, everywhere has safe water, sanitation and hygiene.

2. Scope of Work/Expected Output

The successful law firm will assist WaterAid by representing it in all court matters and shall assist in all employment and contractual issues.

In assisting Water Aid, the Law Firm shall be expected to:

- I. Advise WaterAid on positions to be taken in respective of matters in which WaterAid requires legal advice and guidance.
- II. Reviewing contractual and other documents to ensure legal compliance with statutory laws and policies.
- III. Handle and manage all disputes assigned to them on behalf of WaterAid, including Representing WaterAid in courts of law.
- IV. Conducting background investigation in preparation for court action.
- V. Participating in management meetings by invitation to provide instant advice on matters requiring urgent legal advice.
- VI. Be available to take up instruction on short notice.
- VII. Provide monthly and quarterly reports on the conduct and status of all matters.
- VIII. Devise a strategy on how to efficiently handle and dispose of Court cases and other legal issues.

3. Fees

The contract must be based on annual retainer fees that will cover some specified services and a designated fee structures based on daily or hourly rates for other services. In the bid document, bidders are required to indicate the annual retainer fees and list down services falling under the blanket cover of the retainer fees. They must also indicate their fees structure and outline the services that will be provided.

In determining the retainer fees and fee structure, bidders are expected to consider the long contractual relationship which typically attracts special rates in contrast with rates for limited scope assignments.

Intervals at which and bases on which the fees or fee structure will be reviewed should be indicated in the bid.

4. Cost to be covered by WaterAid.

The bid must outline the typical costs WaterAid will be expected to cover for lawyers during the lawyers' provision of various services to the organization. Under this heading the bidders

must indicate their values, principles and guidelines in sensitively and effectively managing the costs they expect the organization to incur during the performance of their legal services. These will have to be included in the service contract.

5. Geographical location

WaterAid head office is based in Lilongwe and most legal services are sought by the head office, thus, the legal firm to be considered for appointment must be based or have representation in Lilongwe.

6. Qualification and Competencies

The legal house must have the following attributes:

- i. Must be reasonably well established with geographically easy to reach offices in Lilongwe.
- ii. Must have at least two Lawyers, and one of them must be of at least 8 years standing at the Bar.
- iii. At least 5 years' experience in providing legal services for International NGOs in Malawi
- iv. Must be willing to declare conflict of interest in all matters if there is a possibility of any.

7. Period of Retainership

The tenure for the retainership is a period of three years subject to annual performance review.

8. Bidding Documents

Bidders should indicate within the bid the number of lawyers in the bidding firm and state the names and qualifications or other credentials of individual lawyers that will be particularly assigned to deal with WaterAid cases.

Please also indicate the years' and type of experience that the Law Firm has in providing legal services for international NGOs in Malawi.

9. Length of the bid document

The bid documents should be no more than 7 pages in Arial font size 12 and shall include narrative and financial proposal.

10. Submission of Bids

Eligible bidder(s) should submit expression of interest (technical and financial) in electronic and/or hard copy format. Bids should also include inter alia:

1. Statement of relevant experience i.e., similar assignments executed in/under execution in the last five years.
2. Indication of availability to service the retainership during the period September 1st, 2022 to 31st August 2023.
3. Supporting documents such as CVs are to be attached as appendix.
4. Bids should be sent to procurementmw@wateraid.org not later than 1700hrs on 5th August, 2022.