



CALL FOR EXPRESSION OF INTEREST (EOI)

Title of the EOI:

PREQUALIFICATION OF COMPANIES FOR THE PROVISION OF LEGAL ADVISORY SERVICES IN THE DRAFTING OF A LEGISLATION PACKAGE FOR RAEOA - ZEESM TL.

EOI No.: RAEOA-ZEESMTL/PLU/EOI/2019-001

EOI Launching Date: 28 May 2019

EOI Submission Deadline: 18 June 2019

For Requests for Clarifications please contact:

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DESCRIPTION OF REQUIREMENTS

Introduction:

The Região Administrativa Especial de Oé-Cusse Ambeno – Zonas Especiais de Economia Social de Mercado de Timor-Leste (RAEOA-ZEESM TL) was created in accordance with Law no. 3/2014, having its mission and legal attributions determined by the Decree-Law n.º 5/2015, dated the 22nd of January.

In accordance with Law n.º 3/2014, article 28.º, RAE OA-ZEESM TL is entitled to maintain an independent financial regime regulated by law. Such financial regime includes on the expense side, a specific budget, but also on the income side, the potential possibility to allocate its income for the use of the Region and by the region in an exception to the budget principles set in articles 4.º and 6.º of Law n.º 13/2009, dated the 21st of October, it limits however, any specific rules for the regional financial regime, to a previous approval by formal law.

Finally, in accordance with article 32.º, RAE OA-ZEESM TL should also have a specific customs regime and respective procedures which the law authorizes to be approved by Decree-law by the central government. Since the power to levy taxes is central to the state sovereignty and absolute competence of the national parliament, it is assumed that article thirty-two (32) legislative authorization is limited to the execution and application of the existing customs. It has equally been identified as a necessity of RAE OA-ZEESM TL to outsource technical services for the purpose of preparation, drafting and delivery of a legislative proposal composed by a package of legislation aiming for the creation of a Financial regime, a Tax regime and specifically a Customs regime to serve as an implementation tool for the specific regional policies approved by RAE OA-ZEESM.

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Objective:

Presently, it has been identified as a necessity of RAEOA-ZEESM TL to outsource technical services for the purpose of preparation, drafting and delivery of a legislative proposal composed by a package of legislation aiming at the creation of a Financial regime, a Tax regime and specifically a Customs regime, to serve as an implementation tool for the specific regional policies approved by RAEOA-ZEESM TL. A solid database of possible service providers is expected to vastly improve the response capacity for outsourcing the legislation services.

In this regard, RAEOA-ZEESM TL is inviting all qualified service-providers, who are interested in doing business with RAEOA-ZEESM TL to submit their applications in response to this Call for Expression of Interest (EOI). The minimum requirements/ qualifications are listed in the next section of this document.

In this sense, RAEOA-ZEESM TL invites companies that have experience in drafting a legislative package specifically in the following areas:

- A. Financial regime;
- B. Tax regime;
- C. Customs regime.

The detailed Terms of Reference (TOR) shall be provided in the upcoming tender.

Note: Interested companies do not necessarily need to be proficient in performing all the required tasks above. Companies are advised that, upon delivering their formal application, they can describe what actions they are technically competent at performing in the sector of Legal services; as they may be contacted in different capacities, in any related tender.

QUALIFICATIONS

This Call for Expression of Interest is open only to international companies which meet the following required minimum eligibility criteria. However, International companies can establish a Joint Venture with local companies in Timor Leste, if they wish.

Item no.	Requirements for Qualification	Mandatory
1	Legally constituted company;	Yes
2	Minimum Five (5) years in the business;	Yes
3	Must be financially stable within the last Three (3) years;	Yes
4	Proven experience in drafting legal packages in the Portuguese language in the financial, tax and customs regime;	Yes
5	Must meet the prerequisites for eligibility indicated under: EOI Instructions- Eligibility (a) to (i)	Yes

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The above eligibility criteria together with the technical evaluation criteria in combination with the weighted financial proposal (which shall be indicated in the upcoming tender) shall be the basis of the proposal evaluation.

DOCUMENTS REQUIRED TO BE SUBMITTED (IF ANY)

Criteria 1.0: Legal requirements

- 1.1 Valid business registration certificates/permits/licenses;
- 1.2 Certificate of Incorporation;
- 1.3 Tax registration certificate.

Criteria 2.0: Technical/Commercial requirements

- 2.1 Any legal document showing the year the company was established;
- 2.2 At least one (1) proof of contract providing similar legal services;
- 2.3 At least one (1) sample of work completed (send only sample pages - for us to verify the quality of your work);
 - 2.3.1 Finance;
 - 2.3.2 Tax;
 - 2.3.3 Customs;

Criteria 3.0: Financial requirements

- 3.1 Latest audited financial statements covering the last Three (3) years
 - 3.1.1 FS 2016;
 - 3.1.2 FS 2017;
 - 3.1.3 FS 2018;

Criteria 4.0: Samples of Work

- 4.1 Finance regime;
- 4.2 Tax sector;
- 4.3 Customs sector;

Criteria 5.0:

- 5.1 Self-declaration on prerequisites of eligibility {EOI Instructions- Eligibility (a) to (i)} using the EOI Application Form

Other Required Documents:

- i. EOI Application Form
- ii. References/Clients - provide at least three (3)
 - Name and address of the company;
 - Full name, position title, telephone number and email address of contact person;
 - Type of goods and/or services provided to the client;
 - Month and Year of last business transactions with the client.

ABOUT RAE OA-ZEESM TL

The RAE OA (Região Administrativa Especial de Oé-Cusse Ambeno) is the Special Administrative Region of Oé-Cusse Ambeno which is the regional authority of the Timor-Leste Government.

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EOI INSTRUCTIONS

Vendor Registration

For Vendors interested in Registration:

Vendors who are interested in doing business with RAEOA-ZEESM TL must fill-up and submit the **EOI Application Form** annexed to this document and submit all required documentation.

For Registered Vendors:

Vendors already registered with RAEOA-ZEESM TL must ensure that the information and documentation (e.g. financial statements; government certificates, licenses and permits; office address; contact details- name, telephone number, email address; etc.) provided in connection with their registration are up to date. Please verify and ensure that your company is registered under its full legal name.

Important: Any false information or incomplete vendor registration may result in the rejection of the application or cancellation of an already existing registration.

Eligibility (basic requirements)

Other than those requirements specified above, in order to be eligible for RAEOA-ZEESM TL vendor registration and be qualified for the tendering stage (ITB/RFP) using the attached **EOI Application Form**, you must declare that:

- a. Your company (as well as any parent, subsidiary or affiliate companies) is not listed in, or associated with a company or individual listed in:
 - i. United Nations Security Council Sanctions List
https://www.un.org/securitycouncil/sanctions/1267/faq_sanctions_list
 - ii. World Bank Debarred Firms and Individuals
<http://pubdocs.worldbank.org/en/387181466627871302/World-Bank-Notes-on-Debarred-Firms-and-Individuals.pdf>
- b. Your company (as well as any parent, subsidiary or affiliate companies) is not currently removed or suspended by any government agency of Timor-Leste, United Nations, and the World Bank.
- c. Your company (as well as any parent, subsidiary or affiliate companies) is not under formal investigation, nor have been sanctioned within the preceding three (3) years for engaging or having engaged in proscribed practices, including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice;
- d. Your company undertakes not to engage in proscribed practices (including but not limited to: corruption, fraud, coercion, collusion, obstruction, or any other unethical practice), with the RAEOA-ZEESM TL, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the RAEOA-ZEESM TL.
- e. Your company has not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against your company that could impair your company's operations in the foreseeable future;
- f. Your company has no conflict of interest.

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- g. Your company employs and trains staff which meets the minimum required qualifications or have the skills and knowledge to perform their duties in relation to the requirements of this EOI.
- h. Your company accepts RAEOA-ZEESM TL's standard payment term of "within 30 business days upon receipt of query-free original invoice and supporting documents".
- i. When required, your company shall provide a Performance Guarantee in the form of an irrevocable first demand bank guarantee issued/certified by a local bank in Timor-Leste.

Submission of EOI

Vendors interested in participating in the planned solicitation process should submit their expression of interest (EOI) to the Procurement and Logistics Unit (PLU) by:

EOI Submission Deadline:

Date: 18 June 2019 / Time: 15:00H (Timor-Leste time)

to Email Address: bids1.plu.raeoazeesmtl@gmail.com

Interested Vendors are instructed to indicate the following in the email subject:

EOI reference no.: RAEOA-ZEESMTL/PLU/EOI/2019-001

Please ensure that your email (including attachments) does not exceed 20mb. You may submit attachments in batches.

Important: Please note that submission of EOI does not guarantee an applicant to be considered for the planned solicitation process. Applications shall undergo assessment and evaluation based on the set qualifications criteria.

ver. #2019.03



Dr. Mari Alkatiri

President of the Authority
Região Administrativa Especial de Oé-Cusse Ambeno
e Zonas Especiais de Economia Social de Mercado de Timor-Leste

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