REQUEST FOR PROPOSALS #0015A

Legal Counsel in Geneva – Specialty in Employment and Labor Law
in support of
ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION (EGPAF)
1140 Connecticut Ave., NW, Suite 200
Washington, DC 20036
&
ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION (EGPAF)
150, Route de Ferney, #138-144
1211 Geneva 2, Switzerland

Firm Deadline: Friday, April 22nd 2016 - 5PM EST

The Elizabeth Glaser Pediatric AIDS Foundation (EGPAF) is a United States based registered 501(c)(3) not-for-profit, non-governmental organization. Established in 1988, EGPAF is the world leader in the fight to eliminate pediatric AIDS. Our mission is to prevent pediatric HIV infection and to eliminate pediatric AIDS through research, advocacy, and prevention and treatment programs. For more information, please visit http://www.pedaids.org.

WHO MAY RESPOND

Only legal firms currently licensed to practice law in Switzerland/France and maintain an office in Switzerland/France (with strong preference for Geneva-based firms) may respond to this RFP.

BACKGROUND

Headquartered in Washington, DC with operations in over 14 countries (mainly in sub-Saharan Africa), EGPAF established an office in the WCC Building Geneva, Switzerland in 2010 with an initial staff of one employee. Since that time, the office has expanded to five employees (currently), with the expectation of further expansion in the coming months. EGPAF anticipates a total staff of approximately 10-15 people by mid-year, 2017, working from leased office space in Geneva.

EGPAF’s activities in Geneva are supported through a variety of funding mechanisms provided through multi-sector donors such as UNITAID, the Bill and Melinda Gates Foundation, private industry, as well as United States government (USG) agencies (e.g., Centers for Disease Control and Prevention (CDC), United States Agency for International Development (USAID), etc.). The focus of this work is HIV/AIDS advocacy, research, and technical support for international HIV/AIDS programs.

In preparation for the acquisition of additional staff in 2016 and 2017, a majority of whom are expected to be international assignees (i.e., non-residents of Geneva), EGPAF is contacting legal firms in and around Geneva to ascertain the range of services offered by various firms and to solicit bids for such services, necessary to EGPAF’s operations in Switzerland (see below).

PURPOSE/SCOPE OF WORK – CONTRACTOR RESPONSIBILITIES

The following list comprises the activities/deliverables that EGPAF may require from Swiss legal counsel. This is not an exhaustive list of EGPAF’s needs, as we expect the selected firm to advise EGPAF of additional activities/deliverables as necessary for maintaining operating status in accordance to Swiss labor rules, laws and regulations.
1. Provide legal advice, counsel, services and consultation to human resources, senior leadership, Board of Directors and other staff members as appropriate on a variety of civil and/or international assignments, including but not limited to: general non-profit law, labor law, immigration law, and Swiss federal law as they relate to grant and contract issues, public disclosure issues, laws against discrimination, property/leasing law, contract law and purchasing/procurement.

2. Respond to requests for legal counsel, in writing and verbally. Prepare and submit written legal counsel upon request regarding the issues included in this RFP, as well as verbally by in-person meeting or on the telephone.

3. Assist EGPAF to maintain awareness of ethical standards and fairness standards and to avoid conflicts of interest (actual and perceived) as well as prohibited transactions (actual and perceived).

4. Appear before courts and administrative agencies to represent EGPAF’s interests as necessary, subject to prior discussion and agreement with regard to availability of the firm and an agreeable fee.

5. Respond to demand notices and other legal correspondences issued against EGPAF.

6. Prepare and review contracts (employee, vendor, consultant, volunteer, intern, etc.), leases, agreements and other documents for legal correctness and acceptability. Negotiate said contracts, leases, agreements and additional document types upon request.

7. Support development and submission of (i.e., review, provide advisement, and develop when appropriate) necessary non-resident work permits and visas (statuses, renewals, advisement on types and processes, etc.) and see through to completion.

8. Advise EGPAF regarding Swiss labor laws and standard Swiss business practices, ensuring EGPAF’s compliance to these national regulations. This includes (but is not limited to) laws and policies (especially those applicable to international non-profits) regarding:
   a. Compensation and benefits packages (i.e., sick leave, disability compensation, workers compensations, paid time off, bereavement maternity and/or paternity leave, etc.)
   b. Insurance (i.e., health, travel, life insurance, etc.) requirements
   c. Employee pension and other investments
   d. Compensation for travel
   e. Compensation for transportation and/or other benefits
   f. Termination and unemployment rules and regulations

9. Advise EGPAF regarding corporate tax law and payroll reporting requirements specific to tax-exempt international non-profits organization operating in Switzerland.

10. Advise EGPAF regarding the fitness of contract to and responsibilities owed: contractors, consultants and employees, volunteers and interns.

11. Advise EGPAF in the event that situations of dispute with employees arise (e.g., termination, etc.)

12. Review, edit, and interpret EGPAF policies, procedures and standards.

13. Review, edit, and interpret additional EGPAF deliverables as requested.

14. Provide advisement and review necessary documentation regarding copyright and patent policies, as well as EGPAF branding, global trademark, and external communications.
15. Provide advisement regarding the acquisition and licensing of intellectual property held by the EGPAF
16. Provide advisement regarding relationships with, responsibilities of, and responsibilities owed other international organizations, governmental entities, and donors
17. Provide advisement to EGPAF’s Awards and Compliance division regarding the negotiation, and execution, of donor agreements (as necessary)
18. On the firm’s own initiative, advise EGPAF of new/revised laws or regulations which affect EGPAF’s operations in Switzerland

QUALIFICATIONS
1. The Law Firm and any of its attorneys who will be assigned to this and other future assignments must be duly registered as per the laws of Switzerland, including possession of a valid practicing certificate issued by the Switzerland Law Council (or applicable national legal body).
2. All attorneys assigned to work on EGPAF activities must be fluent in English.
3. The Law Firm must have the capacity to respond to responsibilities listed above
4. Have significant experience working with non-profit/non-governmental organizations, as well as United States based organization

FOUNDATION RESPONSIBILITIES
The Foundation will offer necessary support for any documentation required for successful completion of the scope of work, as identified by the Law Firm.

LOGISTICS
Equipment and/or Materials Required
All materials and equipment will be provided by the Contractor.

Specific Timeframe
The period of performance for this agreement is twelve (12) months from the date of a signed contract. Projected start date is May 11, 2016, but is subject to change. **At EGPAF’s option the contract may be extended up to two additional years.

Location of Work
All work will take place at the Contractor’s offices in Geneva.

KEY CONTRACT TERMS
All deliverables provided to the Foundation must be furnished for the use of the Foundation without royalty or any additional fees.

All Materials will be owned exclusively by the Foundation and will be considered confidential attorney-client work products, unless the material is required to be made accessible to the public. Contractor will not use or allow the use of the Materials for any purpose other than Contractor’s performance of the Contract without the prior written consent of the Foundation.

At the conclusion of the selection process, EGPAF and the firm that offers EGPAF the best value proposal will enter into negotiations in an attempt to conclude a contract for legal services.
EVALUATION CRITERIA AND SUBMISSION REQUIREMENTS

EGPAF will accept the proposal that presents the best value while meeting all necessary qualifications and responsibilities as outlined in this RFP. All responsive proposals will be evaluated against the following Evaluation Criteria. Each proposal must contain all items listed in the Submission Requirements column in the chart below.

1. Please assemble the requested documents into a single PDF package and submit via email:
   - ATTN TO: Cathy Colbert at ccolbert@pedaids.org
   - CC: Meagan Wilson at mwilson@pedaids.org

2. In the subject heading of the submission email, please write:
   - Proposal #0015A_Legal Services for Geneva Office

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<tr>
<th>Evaluation Criteria</th>
<th>Submission Requirements</th>
<th>Weight</th>
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<tr>
<td>Firm’s proposed process and approach to efficiently meet</td>
<td>1. Develop a brief written proposal, describing the firm’s legal services. In this narrative, please respond to each of the items included in the section of this RFP titled, “Purpose/Scope of Work – Contractor Responsibilities” and detail the firm’s capacity to respond to each requirement. If the firm is unable to meet a specific requirement, please note this and explain.</td>
<td>35%</td>
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<tr>
<td>EGPAF’s needs</td>
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<td>Qualifications and past performance of Firm</td>
<td>2. CV/Resume and copy of certificate/license to practice law of all personnel who will work on this contract</td>
<td>40%</td>
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<td></td>
<td>3. Current phone and email contact information for other non-profit organizations for whom you have provided any of the above services who can serve as a reference. Please include both U.S. based non-profit organizations with operations in Geneva, Switzerland and local non-profit organizations.</td>
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<td>4. Proof of valid registration in Switzerland</td>
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<td>Financial proposal</td>
<td>5. A brief financial proposal estimating of the pricing structure and cost involved in providing services listed in the scope of work. Please indicate options for an hourly rate, a total fixed price, and/or a monthly retainer fee as per scope of work above. Also, please include pricing for possible option years.</td>
<td>25%</td>
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<td>Total</td>
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<td>100%</td>
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APPLICATION PROCESS
Following the deadline for submission (see timeline below), all received proposals will be evaluated against the above Evaluation Criteria by an internal committee. Following this initial review, EGPAF will conduct interviews with final candidate(s) as well as contact references for the final candidate(s).

PROPOSED TIMELINE

March 21, 2016 – Release of RFP
April 4, 2016, 5:00pm Eastern Standard Time – Deadline for submission of any contractual and/or technical inquiries to Cathy Colbert, Awards and Compliance Officer, ccolbert@pedaids.org. No phone calls please.

April 11, 2016 – Question and Answer Response Document will be posted on the EGPAF website

April 22, 2016, 8:00am EST – Completed proposals must be delivered electronically to Cathy Colbert at ccolbert@pedaids.org and Meagan Wilson at mwilson@pedaids.org

May 6, 2016 – Final decision announced and Firms notified

On or around May 11, 2016 – Services begin

Please note it is our best intent to comply with this timeline but unavoidable delays may occur.

ADDITIONAL INFORMATION

All proposals and communications must be identified by the unique RFP# reflected on the first page of this document. Failure to comply with this requirement may result in non-consideration of your proposal.

Any proposal not addressing each of the foregoing items could be considered non-responsive. Any exceptions to the requirements or terms of the RFP must be noted in the proposal. EGPAF reserves the right to consider any exceptions to the RFP to be non-responsive.

Late proposals will be rejected without being considered.

This RFP is not an offer to enter into agreement with any party, but rather a request to receive proposals from persons interested in providing the services outlined below. Such proposals shall be considered and treated by EGPAF as offers to enter into an agreement. EGPAF reserves the right to reject all proposals, in whole or in part, enter into negotiations with any party, and/or award multiple contracts.

EGPAF shall not be obligated for the payment of any sums whatsoever to any recipient of this RFP until and unless a written contract between the parties is executed.

Equal Opportunity Notice. The Elizabeth Glaser Pediatric AIDS Foundation is an Equal Employment Opportunity employer and represents that all qualified bidders will receive consideration without regard to race, color, religion, sex, or national origin.

Ethical Behavior. As a core value to help achieve our mission, EGPAF embraces a culture of honesty, integrity, and ethical business practices and expects its business partners to do the same. Specifically, our procurement processes are fair and open and allow all vendors/consultants equal opportunity to win our business. We will not tolerate fraud or corruption, including kickbacks, bribes, undisclosed familial or close personal relationships between vendors and Foundation employees, or other unethical practices. If you experience of suspect unethical behavior by a Foundation employee, please contact Doug Horner, Vice President, Awards, Compliance & International Operations, at dhorner@pedaids.org or EGPAF’s Ethics Hotline at www.reportlineweb.com/PedAids/. Any vendor/consultant who attempts to engage, or engages, in corrupt practices with EGPAF will have their proposal disqualified and will not be solicited for future work.