**Conditions for hiring**

**a third-party company for the task of collection and documentation of legal documents for the Ministry of Mines and Petroleum.**

**1. Objective of the Assignment**

The objective of this Terms of Reference is to hire an independent, specialized, and professional company to collect, assess, analyze, and document legal, technical, administrative, and financial documents following the termination of an EPSC contract. These documents will serve as fundamental references for the Ministry in any legal claims, compensation demands, and future international tenders.

**2. Scope of Work**

**2.1 Documentation of Contractor’s Breaches:**

* Identification and verification of all violations and breaches of the EPSC contract.
* Documentation of the contractor’s negligence, deficiencies, and technical, financial, environmental, and legal violations.
* Collection of contractor’s correspondences, reports, and official interactions.
* Legal analysis of the breaches and preparation of supporting evidence.

**2.2 Identification of Legal Gaps:**

* + Clauses in the contract that have legal and financial deficiencies.
  + Analysis of ambiguously or poorly defined provisions in the EPSC contract.

**2.3 Issues Related to Government Institutions:**

* + Challenges raised by the Environmental Authority, Ministry of Finance, Labor Law enforcement bodies, and other relevant institutions.

**2.4 Collection of Evidence and Documentation:**

* + Collection of physical and electronic documents, correspondences, and reports.
  + Physical assessment of assets (equipment, machinery, facilities).
  + Evaluation and organization of technical and legal documents.
  + Recording of meetings and memorandums of understanding.

**3. Deliverables:**

1. Detailed legal, technical, and financial report (including analysis of all documents).
2. Documented Legal Evidence Box:
   1. A complete set of legal and technical documents.
3. Litigation Package prepared for legal proceedings.
4. Executive Summary report for the Ministry.

**4. Eligibility and Qualifications of the Contracted Company:**

* + Legally registered and independent legal entity.
  + Expertise in hydrocarbon contracts, international law, legal analysis, and asset management.
  + Minimum of 5 years of relevant experience.
  + Capability to analyze technical, financial, administrative, and legal matters.
  + Proven experience in analyzing contracts, procurements, and international regulations.
  + Familiarity with environmental, tax, and labor laws.

**Required Documents:**

* Company registration documents.
* Work samples or evidence of similar completed projects.
* Professional CVs of key personnel.

**5. Timeline for Start and Completion of Work**

|  |  |  |
| --- | --- | --- |
| **Date** | **Activities** | **phase** |
| 20 days after the announcement date | Company selection | 1 |
| 30 days after contract signing | Submission of preliminary report | 2 |
| 60 days after contract signing | Interim report | 3 |
| 120 days after contract signing | Final report and documentation box | 4 |
| 125 days after contract signing | Presentation of results to the Ministry | 5 |

**6. Reporting Standards:**

* + Regular and well-documented reports.
  + Attached supporting documents of each report.
  + Each evidence must have sequence, dated, and documented source.

**7. Use of Findings:**

* + All reports and documents are the property of the Ministry.
  + To be used for legal claims, judicial processes, and international arbitrations.

**8. Collaboration and Access:**

* + The Ministry will provide necessary documents, information, and access to sites.
  + The company will closely cooperate with the Ministry’s designated team.

**9. Financial Terms and Payments:**

* + The contract will be based on the budget approved by the Ministry.
  + Payments will be made in stages according to work progress:

• after submission of the preliminary report 30%.

• after submission of the intermediate report 30%.

• after submission of the final report and documented evidence box 40%.

**10. Confidentiality:**

* + The company is obligated to keep all information confidential.
  + Information may only be shared with the Ministry’s permission.

**11. Legal Responsibility and Approval:**

* + The company shall be responsible for the accuracy, authenticity, and validity of all documents.
  + If any false, incorrect, or incomplete documents are submitted, the Ministry reserves the right to take legal action.

**12. Legal Status of the Contract:**

* + This TOR is an official annex to the contract.
  + The EPSC contract, Afghan applicable laws, and international standards (ISO 55000, IFRS, EITI) shall be strictly adhered to.

**Note:** This TOR is prepared based on the Ministry’s legal and technical requirements, international best practices, and contract analysis, providing a documented basis for any legal claims. However, this document is not final and will be finalized by the Ministry after thorough review.