

REGISTERED / IMMEDIATE

Heavy Industries Taxila
Marketing & Procurement
Directorate (Marketing Branch)
Taxila cantt, Pakistan
Tel (051) 9270571-4/62913
Fax No. (051) 9314151/9314360
2613/1/T.G/Corporate Law/M&P/HIT

06 Sep 2017

To: M/s _____

Subject: **TENDER INQUIRY FOR PRE- QUALIFICATION OF CORPORATE LAW FIRMS (FOR)**

Dear Sir,

HIT invites sealed bids for the supply of subject on FOR Basis detail / description and technical specification is attached at Annexure "A".

1. **Delivery of Tenders** Tenders / quotations will be prepared in two PARTS i.e **TECHNICAL QUOTATION (PART-I) and COMMERCIAL QUOTATION PART-II**. Part-I (Technical Quotation) will indicate technical specification with relevant details. Part-II (Commercial Quotation) will indicate commercial terms i.e prices / rates, terms of payment mode of supply (FOR Basis) and delivery schedule etc.
2. Part-I and Part-II quotations will be enclosed in sparate sealed envelopes for each tender inquiry. FOR identification purpose, the words "TECHNICAL QUOTATION PART-I WITHOUT PRICE" and COMMERCIAL QUOTATION (PART-II) WITH PRICE shall be written in BLOCK CAPITAL LETTERS on the respective sealed envelopes which will be placed in a large envelope bearing complete details of the tender inquiry as under:-

| |
|---------------------------------------------------------------------------------|
| <u>REGISTERED</u> |
| <u>QUOTATION</u> |
| TENDER INQUIRY NO. <u>2613/1/T.G/Corporate Law/M&P/HIT dated 6 Sep 2017</u> |
| <u>TO BE OPENED ON 25 Sep 2017 at 1100 hours</u> |
| <u>TO: ASSISTANT DIRECTOR (PROCUREMENT)</u> |
| <u>FROM:</u> |

3. The tender shall remain open for acceptance till **1030** hours 25 Sep 2017.



Lt Col
For Director Marketing & Procurement
(Noman Shabbir)

HEAVY INDUSTRIES TAXILA



FOR PRE-QUALIFICATION OF CORPORATE LAW FIRMS

AUGUST 2017

(TENDER DOCUMENT FOR PREQUALIFICATION OF CORPORATE LAW FIRMS)

HEAVY INDUSTRIES TAXILA BOARD
Taxila Cantonment
Post Code: 47070
Pakistan

Telephones: 051-9315020
Fax: 051-9315029
E-Mail: hitb_dbmp@hotmail.com
Website: www.hit.gov.pk

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SECTION I - INVITATION FOR PREQUALIFICATION (IFPQ) FOR Basis

Date: __Aug, 2017

1. Tender for Pre-qualification of Corporate Law Firms

- a. Heavy Industries Taxila (HIT) intends to pre-qualify eligible firms for the provision of legal services for a period of two years (extendable based on performance and mutually agreed terms and conditions between HIT and pre-qualified parties). Interested eligible firms may obtain further information from the Assistant Director (Procurement), Marketing & Procurement Directorate, Heavy Industries Taxila, Taxila Cantt.
- b. Tender documents may be obtained from **Assistant Director (Procurement), Marketing & Procurement Directorate, Heavy Industries Taxila, Taxila Cantt**, on normal working days from Monday to Friday (excluding any public or gazetted holiday) beginning on 21 Mar 2017 between **8.00 a.m. & 4.00 p.m.** Interested Law firms can also download pre-qualification document online from the PPRA website ppra.org.pk. Upon downloading, bidders are required to send / e-mail their names and contact details to:-

(1) Assistant Director (Procurement): hitb_dbmp@hotmail.com

- c. Completed pre-qualification documents are to be enclosed in plain sealed envelopes marked as follows:-

“PRE-QUALIFICATION OF CORPORATE LAW FIRMS”

- d. Documents need to be deposited at Gate – 1 of the Heavy Rebuild Factory (T-Series), so as to be received on or before 25 Sep 2017 at 1030 Hours. The pre-qualification documents should be addressed as under:-
- (1) Assistant Director (Procurement), Gate-1 HRF(T), Heavy Industries Taxila, Taxila Cantt.

So as to be received not later than 1030 Hours on the closing date shown above.

- e. Prequalification tenders will be opened promptly thereafter in the presence of the candidates or their representatives who choose to attend Heavy Industries Taxila, Taxila Cantt on the same day at 1100 Hours.
- f. All candidates whose applications will have been received before the closing date and time, will be advised in due course, about the results of their applications. Only firms pre-qualified under this prequalification process will be invited through competitive bidding process among them for provision of legal services on required basis.

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SECTION II - TENDER SUBMISSION CHECKLIST

2. This order and arrangement shall be considered as the tender format. Candidates shall tick against each item indicating that they have provided it:-

| Serial | Item | Tick Where Provided |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| a. | Letter of Application | |
| b. | Copy of Company or Firm's Registration Certificate | |
| c. | Copy of Bar Counsel Certificate | |
| d. | Duly Completed Confidential Pre-qualification Business Questionnaire | |
| e. | Certified copy of current practicing certificates for all partners and associates | |
| f. | CV's of Partners, Associates and Consultants, if any | |
| g. | Any other document or item required by the Prequalification Document. (The Candidate shall specify such other documents or items it has submitted) | |

SECTION III - INSTRUCTIONS

3. Introduction

- a. Heavy Industries Taxila Board (HITB) will pre-qualify and enlist prospective bidders from among those who will have submitted their pre-qualification documents in accordance with the pre-qualification requirements to provide the services described herein for a period of two years (extendable on the basis of performance and mutually agreed terms and conditions).
- b. The pre-qualification tender document and the tenderers' responses thereof shall be the basis for pre-qualification. Tenderers must familiarize themselves with the requirements described in this document including all attachments and take them into account while preparing the response.
- c. The pre-qualification of legal service providers does not constitute a retainer.
- d. Tenderers will meet all costs associated with preparation and submission of their applications.
- e. It is HIT's policy that tenderers observe the highest standard of ethics during prequalification and subsequent execution of resultant contracts. In pursuance of this policy, HIT:-

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- (1) Defines, for the purpose of this provision, the terms set forth below as follows:-
 - (a) "**Corrupt practice**" means the offering, giving, receiving or soliciting of anything of value to influence the action of an officer of the purchaser / employer in the pre-qualification process.
 - (b) "**Fraudulent Practice**" means a misrepresentation of facts in order to influence the pre-qualification process to the detriment of the Purchaser / Employer, and includes collusive practices among tenderers (prior to or after submission of tenders) designed to establish prices at artificial, non-competitive levels and to deprive the purchaser of the benefits of free and open competition.
 - (2) Will reject a tender for pre-qualification if it determines that a tenderer has engaged in corrupt or fraudulent activities in competing for the contract in question;
 - (3) Will declare a tender ineligible, for pre-qualification if at any time it determines that tenderer has engaged in corrupt or fraudulent practices in competing for, or in executing, a similar contract; and
 - (4) Will have the right to examine financial records relating to the performance of such services to determine capability.
 - (5) Will have the right to inspect the business premises of the tenderer.
- f. Tenderers shall furnish information as described in the pre-qualification tender document.

4. **Professional Qualifications**. The advocates must be members of the Bar Counsel and must hold current practicing certificates.

5. **Firm Profile and Expertise**

- a. The law firms should attach their firm profiles stating the type of cases handled and their success rate in litigation. The firms should also provide a list of its top ten clients.
- b. The profile should indicate experience in handling Supreme Court, High Court, Court of Appeal, Tribunals and Lower Court cases as well as arbitration matters.
- c. Expertise in any particular area of practice should be demonstrated. It is also important to distinguish the experience of the individual lawyers and the experience of the firm.

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6. **Scope of Legal Services.** The legal services being procured include but not limited to: Service Matters, Civil Litigation and Practice, Public Private Partnership, Land law, Tax law, Labour law, Procurement, Intellectual Property, Dispute Resolution and other areas of general legal practice.
7. **Firm's History.** The following information should be included:-
- a. Period for which the law firm has been in operation.
 - b. Number of partners, years of experience and their standing in the bar.
 - c. Number of Associates, years of experience and their standing in the bar.
 - d. Number of pupils.
 - e. Number of paralegal staff.
 - f. Number of support staff.
 - g. Areas of specialization.
8. **Facilities.** The firm should possess facilities like a modern legal library, access to online law reports or other legal resources, computers, internet connectivity etc to enable them provide adequate services and facilitate real-time communication.
9. **Payment of Fees / Costs.** The mode of billing shall be considered on case to case basis and subject to prior agreement between the prequalified firms and HIT.
10. **Communications.** The selected law firms will be required to work closely with the Marketing and Procurement Directorate of HIT. To ensure effective communications, the service providers are required to put in place the necessary mechanism to facilitate communication and to ensure timely feedback / reporting on the progress of matters being handled. Quarterly reports will be required in respect of litigation matters.
11. **Clarifications.** Tenderers may request a clarification on the tender pre-qualification document up to **seven (7) days** before the tender opening date. Any request for clarification must be sent in writing by mail, facsimile or electronic mail to the mentioned address. The procuring entity will respond in writing by normal postal mail, facsimile or electronic mail to such requests and will send copies of the response to all registered or known tenderers who intend to submit tenders. In case no clarification is sought by due date then it will be taken as granted that each and every clause of this document stands understood by every tenderer as per interpretation, perception and conception of HIT. No objection on the interpretation as conceived by HIT, will be entertained after the above mentioned time

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period. Moreover all the potential tenderers are advised to approach in writing the office of Assistant Director (Procurement), HIT at their own as well to get copies of clarifications issued till D-7 day (D being this day of opening of pre-qualification bids).

12. **Preparation of Tender Documents**

- a. Tenderers are requested to submit tender written in English language.
- b. Tenderers are expected to examine the documents comprising this Request for Pre-qualification in detail. Material deficiencies in providing the information requested may result in rejection of a tender.
- c. Tenderers are required to meet the pre-qualification criteria stipulated in Section 2. Only tenders, which fulfill these requirements, will be considered for detailed evaluation.
- d. The pre-qualification documents shall not include financial proposal information.

13. **Period of Validity**. The request for pre-qualification must remain valid for not less than 180 days from the date of submission. HIT will make an effort to complete the evaluation and communicate within this period.

14. **Submission, Receipt and Opening of Pre-Qualifications**

- a. The original pre-qualification document shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the applicant. Any such corrections must be initialed by the person or persons who sign(s) the pre-qualification document.
- c. An authorized representative of the applicants should initial all pages of the tender document.
- d. The pre-qualification document should be prepared and submitted together with 2 (two) copies in a plain sealed envelope marked:-

“PRE-QUALIFICATION OF CORPORATE LAW FIRMS”

And addressed to,

**Assistant Director (Procurement), Gate-1 HRF(T),
Heavy Industries Taxila, Taxila Cantt.**

Telephones: 051-9315020

Fax: 051-9315029

15. **Deadline for Submission**. The closing time for the submission of the pre-qualification document shall be **25-09-2017 at 1100 Hours** and shall be sent to the above address. Pre-qualification document shall be marked on top **“DO NOT OPEN BEFORE 25-09-2017”**.

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- a. **Late Submission**. Any pre-qualification document received after the deadline shall be rejected as a late tender and shall not be considered.
- b. **Tender Opening**. An opening committee shall open the applications immediately after the closing time for submission of the pre-qualification document. HIT will prepare a record of the pre-qualification document opening.
16. **Pre-Qualification Evaluation**
- a. Mandatory requirements for pre-qualification:-
- (1) Pre-qualification submission form (Section-IV).
 - (2) A copy of certificate of registration / incorporation.
 - (3) Tax compliance certificate.
 - (4) Duly completed confidential pre-qualification business questionnaire.
 - (5) Evidence of physical address and premises (attach copies of utility bills e.g. Electricity / water or lease agreement / title).
 - (6) Certified copy of current practicing certificates for all partners and associates.
 - (7) Attach CV's of partners, associates and consultants, if any.
 - (8) Certificate of Experience.
 - (9) The managing partner must have a minimum experience of 10 years.
 - (10) Proper flagging is requested as per serial numbers of clause 17 "Evaluation Criteria".
 - (11) All documents should be on company letter pad with company stamp.
- b. Tenderers are required to meet the above mandatory qualifications criteria. Those who do not meet the requirements need not submit tenders. Only tenders, which fulfill these requirements, will be considered for detailed evaluation. Hence following will be resorted:-
- (1) HIT will examine the tenders to determine completeness, general orderliness and sufficiency in responsiveness.
 - (2) Applicants shall not contact HIT on the matters relating to their pre-qualification document from the time of opening to the time the evaluation is finalized and official communication is sent to them. Any effort by the applicant to influence HIT in the pre-qualification document evaluation shall result in the rejection of the concerned application.
 - (3) Pre-qualification will be based on meeting the following minimum criteria regarding the applicant's legal status, general and particular experience, personnel and financial position as demonstrated by the responses in the attached forms.

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- (4) The applicants should have registered offices and HIT reserves the discretion of visiting physical premises from which the applicant conducts business if so desired to confirm existence and capability to deliver the said good / service.
- (5) HIT reserves the right to reject all pre-qualification documents without the obligation to justify any reason(s) for its decision thereof.

17. **Evaluation Criteria.** The points for the evaluation criteria shall be awarded as per following matrix:-

| Serial | Evaluation criteria | Max Score | Explanation of Marks |
|--------|-----------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. | Number of Partners / Associates / Lawyers | 10 | 1 mark per person will be awarded on the following basis:- <ul style="list-style-type: none"> • Masters degree with minimum 8 years' experience. • Bachelors degree with minimum 10 years' experience. |
| b. | Law firm facilities (adoption of IT systems, law library and adequacy of support staff) | 5 | <ul style="list-style-type: none"> • 2 marks for law library containing 1000 books or above (1 mark per 500 books). • 2 marks for adoption IT system (Certificate alongwith details of IT system are required). • 1 mark for ISO certification (Valid Certificate to be provided). |
| c. | Accumulated number of court cases contested by the lawyer / law firm / partner. | 30 | 1 mark per 10 cases (upto max of 30 marks) will be given. Attested authenticated evidences are to be provided. |
| d. | Period of operation of law firm. | 30 | 1 mark per year (upto max of 30 marks) will be awarded (authenticated evidence to be attached). |
| e. | Experience of drafting bye laws, rules and regulations preferably with government organizations. | 30 | 2 x marks per case (upto max of 30 marks) will be given. Attested copies of contracts between law firm and Government organization / international firms for said purpose are required. |
| f. | Experience of drafting contracts, Joint Venture Agreements and MoUs involving govt / international firms. | 30 | 1 mark per case (upto max of 30 marks) will be given. Attested copies of contracts for hiring of law firm for said purpose are required. |

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