



Gwadar Development Authority.

EOI DOCUMENT FOR THE PROCUREMENT OF

Hiring of Law Firm / Legal Consultant on Retainership

Dated 06 October, 2023

NAME OF APPLICANT: _____

(To be filled-in by the Applicant)

Purpose & Scope

SCOPE OF SERVICES:

- Providing legal opinion/ endorsement/ recommendation on day to day business affairs of the GDA under GDA Act, 2003 and under other enabling laws of the country; as and when required by GDA.
- Providing legal advices for GDA 's desired relevant policies, procedures, laws and Regulations relating to Building Control, Town Planning, Land Management, Engineering, Finance and Human Resource Management and other legal matter arising time to time throughout the year, as and when required.
- Provide legal assistance against any litigation arising out of GDA's Daily Business affairs or during contract administration.
- Representing on behalf of GDA as respondent / vice versa before all the courts of law / legal forums including Tribunals, Commissions, JIT(s), Magistrate, Civil Court, Labour Court, Session Court, Federal Shariat Court, Banking Court & NAB Court across Pakistan including the Appellate forums i.e. High Courts and Supreme Court of Pakistan.
- Review and legal endorsement and legal vetting of all contracts and agreements of Company, procurement documents prepared by the GDA, including but not limited to Pre-Qualification Documents (PQD), Request for Proposal Documents (RFP), Expression of Interest (EOI), Evaluation Criteria, Notification of pre-qualified bidders and grievance redressal etc.; as and when required by GDA.
- Review and legal endorsement and legal vetting to the Client about Bidding Documents, evaluation criteria and contracts/ agreements for inviting Bids for procurement as defined in BPPRA Rules, 2014, Notification of successful bidder and assistance in grievances redressal or any other matter incidental thereto; as and when required by GDA.
- Providing legal assistance in the process of contract development, contract management and contract administration, negotiations, legal endorsement of performance guarantees or any other guarantee and signing of contract agreement; as and when required by GDA.
- Interact on behalf of the Client with relevant Federal and Provincial government authorities as and when required with regard to corporate/ contractual/ commercial/ legal matters of the GDA;
- Providing legal assistance in negotiations, meditations and alternative dispute resolution at International/ National Forums on as and when required basis.
- Ensure compliance of the Gwadar Development Authority Act, 2003 and all other relevant laws;
- To provide legal opinion as and when required on all the legal matters of GDA pertaining to laws of Pakistan including but not limited to Labor Laws, Corporate and Commercial Laws, Procurement Laws, Taxation Laws, and other relevant laws;
- Advise on various matters relating to corporate and secretarial affairs like amendment of constitutive documents of GDA i.e. GDA Act, Governing Body meetings.
- The firm's nominated advocates / lawyers / barristers shall be willing to travel across Pakistan to represent / defend cases related to GDA in the courts as and when required without any extra claim of TA / DA expenses.
- Negotiate and reply legal notices and help GDA in sorting issues out of court(s) through Alternate Dispute Resolution (ADR) mechanism.
- Replies to the legal notices received by the Client.

Detailed TOR

TERMS OF REFERENCE (TORs) FOR HIRING OF LAW FIRM / LEGAL CONSULTANT ON RETAINERSHIP

BACKGROUND:

Gwadar Development Authority (GDA) is a corporate body established under the GDA Act, 2003 approved by the Balochistan Provincial Assembly under the GDA Act, 2003. GDA intends to hire a law firm / legal consultant on retainership basis as per BPPRA Rules, 2014 to ensure its compliance with all relevant and applicable policies, procedure, law and regulations. The basic objective of this hiring is to help, compliance with the legal requirements/ obligations and adherence to the requirements of corporate and commercial law.

Only shortlisted firms qualified on the basis of evaluation shall be considered for financial negotiations.

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- Provide legal assistance against any litigation arising out of GDA's Daily Business affairs or during contract administration.
- Representing on behalf of GDA as respondent / vice versa before all the courts of law / legal forums including Tribunals, Commissions, JTI(s), Magistrate, Civil Court, Labour Court, Session Court, Federal Shariat Court, Banking Court & NAB Court across Pakistan including the Appellate forums i.e. High Courts and Supreme Court of Pakistan.
- Review and legal endorsement and legal vetting of all contracts and agreements of Company, procurement documents prepared by the GDA, including but not limited to Pre-Qualification Documents (PQD), Request for Proposal Documents (RFP), Expression of Interest (EOI), Evaluation Criteria, Notification of pre-qualified bidders and grievance redressal etc.; as and when required by GDA.
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bidder and assistance in grievances redressal or any other matter incidental thereto; as and when required by GDA.

- Providing legal assistance in the process of contract development, contract management and contract administration, negotiations, legal endorsement of performance guarantees or any other guarantee and signing of contract agreement; as and when required by GDA
- Interact on behalf of the Client with relevant Federal and Provincial government authorities as and when required with regard to corporate/ contractual/ commercial/ legal matters of the GDA;
- Providing legal assistance in negotiations, meditations and alternative dispute resolution at International/ National Forums on as and when required basis.
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- Advise on various matters relating to corporate and secretarial affairs like amendment of constitutive documents of GDA i.e. GDA Act, Governing Body meetings.
- The firm's nominated advocates / lawyers / barristers shall be willing to travel across Pakistan to represent / defend cases related to GDA in the courts as and when required without any extra claim of TA / DA expenses.
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TIME DURATION:

The duration of Services shall not exceed twelve (12) months and shall be subject to yearly renewal for subsequent 2 years, upon satisfactory performance.

Remunerations :

Payment shall be made to firm on account of satisfactory services on monthly / quarterly / yearly basis which shall be liable of taxes applicable under the laws of the land

QUALIFICATION CRITERIA:

Qualification shall be based on Legal Firm's meeting with the following qualification criteria, experience record and quality of its personnel capabilities and other relevant information as demonstrated by the Legal Firm's response.

Sr. No.	Description	Marks
1.	Qualifications: <ul style="list-style-type: none"> • Minimum 2 Law Graduate with minimum 10-15 years of active practice in law involving multi-disciplinary issues and having license of Supreme Court of Pakistan. (10 Marks Each) 	20
2.	Experience with Government Organizations/Public Sector Entities (Similar 2 Agreements, 10 Marks each)	20
3.	List of cases of Reported Judgments. (5 X Marks for Each Reported Judgment)	20
4.	List of pending or decided cases of Supreme Court: <i>Corporate and commercial, litigation Procurement cases Service law cases, Banking cases, Intellectual Property law cases, Insurance cases, Matters before SECP</i> (2 x Marks for Each Such Cases)	20
5.	List of pending or decided cases of High Court: <i>Corporate and commercial, litigation Procurement cases Service law cases, Banking cases, Intellectual Property law cases, Insurance cases, Matters before SECP</i> (2 x Marks for Each Such Cases)	20
	Total	100

Minimum qualification marks for shortlisting of firms shall be 60%

Eligibility Criteria for Applicants:

S No.	Applicant's Eligibility Factor	Requirement	Document Required
1	Similar Assignment	2 similar experience from the date of registration with the regulator (JV)	
2	Financial Capability	1 Million PKR (JV)	
3	Registration with Income Tax	Registration with Income Tax	Income Tax Certificate
4	Registration with BRA	Registration with BRA	Copy of BSTS
5	Registration with Regulator	PEC/ DRAP/ PTA etc	Copy of PEC/ DRAP/ PTA Certificate
6	Capabilities with respect to construction or manufacturing	Capabilities with respect to construction or manufacturing	Completion Certificates
7	Capabilities with respect to personal, equipment and plant	Capabilities with respect to personal, equipment and plant	Personal Certificates
8	Capacity of Firm	Human Resource & Strength of Firm No of Advocates, Lawyers Licensed for Higher Court	Bar Council Memberships, License
9	Reputation of Firm	References from 5 x Clients	Reference Letters, Appreciation Letters

NOTE: It is mandatory for the applicants to meet all the above mentioned requirements of eligibility. In case of not meeting any single requirement, the application shall be declared NON RESPONSIVE

Evaluation Criteria

Sr. #	Description	Total Marks
1	Technical Evaluation Criteria	100

Sr. #	Evaluation Factor	Total Marks
1.1	Qualification	20
1.2	Experience	20
1.3	Profile	20
1.4	Supreme Court Experience	20
1.5	High Court Experience	20

1 - Technical Evaluation Criteria

Sr. #	Evaluation Factor	Marking Mechanism	Required Document	Obtained Marks	Total Marks
1.1.1	Minimum 2 Law Graduate with minimum 10-15 years of active practice in law involving multi-disciplinary issues and having license of Supreme	10 Marks Each	CV		20

1.1 - Qualification

Sr. #	Evaluation Factor	Marking Mechanism	Required Documents	Obtained Marks	Total Marks
1.2.1	Experience with Government Organizations/Public Sector Entities	Similar 2 Agreements, 10 Marks each	Offer, Award, Acceptance Letters, Wakalat nama etc		20

1.2 - Experience

Sr. #	Evaluation Factor	Marking Mechanism	Required Document(S)	Obtained Marks	Total Marks
1.3.1	Details of Reported Judgments.	5 X Marks for Each Reported Judgment	Attested Copies of Judgments with Details of Volume Published		20

1.3 - Profile

Sr. #	Evaluation Factor	Marking Mechanism	Required Document(S)	Obtained Marks	Total Marks
1.4.1	pending or decided cases of Supreme Court: Corporate and commercial, litigation Procurement cases Service law cases, Banking cases, Intellectual Property law cases, Insurance cases, Matters before SECP	2 x Marks for Each Such Cases	Attested List of Such Cases		20

1.4 - Supreme Court Experience

Sr. #	Evaluation Factor	Marking Mechanism	Obtained Marks	Total Marks
1.5.1	pending or decided cases of High Court: Corporate and commercial, litigation Procurement cases Service law cases, Banking cases, Intellectual Property law cases, Insurance cases, Matters before SECP	2 x Marks for Each Such Cases		20

1.5 - High Court Experience

Applicant's Information

Applicant's Information: (To be filled-in by the Applicant)

Name of company: _____

Complete Postal Address: _____

Tel No: _____

Fax No: _____

Authorized Representative's name & designation: _____

National Tax Number & Date of issuance: _____

ANNEX-A

**SAMPLE ADVERTISEMENT FOR
EXPRESSION OF INTEREST (EOI) FOR PREQUALIFICATION**

NAME OF THE PROJECT/ASSIGNMENT

Invitation to consultants registered with PEC to apply for Prequalification (Short-listing) by (Name of Government of Province/Federal Division/Department) which has been entrusted the responsibility for execution of the (Name of the Project). The major project components include _____ A part of the approved estimated amount of Rs. _____ million is to be expended on the procurement of engineering consultants' services. Application forms are available with the afore-listed entity at the following Address:-

Interested consultants are invited to register their interest for participation in the project implementation by sending the following information in quadruplicate:-

- Name, address, telephone, fax numbers and e-mail address of consultants.
- Ownership and Organizational Structure of the consultant.
- Financial Statement Summary for the past three years.
- List of major (similar) assignments under-taken over the past 10 years.
- Names and Short CVs of Principal Staff.

The deadline for receipt of EOI/Applications is (day/month/year). EOI/Applications received after this date shall not be entertained. A long-list/shortlist shall be finalized from the afore-given submission. Only the firms with demonstrated experience in similar assignments will be considered and notified for further participation in the selection process.

Interested firms should address their inquires and submit their applications to the following Address:-

- Name:
- Position:
- Address:
- Telephone No:
- E-mail Address:
- Fax No.:

FORMAT OF SHORT CV OF PRINCIPAL STAFF

1. Name :
2. Profession/Expertise :
3. Date of Birth :
4. Years with the Firm :
5. Nature of experience in this firm and others :
6. Membership of Professional Societies :
7. Education :
8. Other Training :
9. Knowledge of Languages :
10. Key Qualifications (Maximum $\frac{3}{4}$ of a page) :

(NAME OF THE PROJECT)

COMPARATIVE OVERVIEW OF FIRMS

Sr. No.	Description/Items of Comparison	Firms/Groups			
		Name of Firm/Group	Name of Firm/Group	Name of Firm/Group	Name of Firm/Group

Experience of Firm

- Relevant Work Experience
Maximum 5 projects for
100% Points)

A. Experience of Firm

- Relevant Work Experience
Maximum 5 projects for
100% Points)
 - Feasibility Studies : F
 - Survey & Investigation : S
 - Detailed Engg. Design : D
 - Procurement Services : P
 - Construction Supervision : C
 - Quality Control : Q
 - O&M : O
 - Project Monitoring &
Benefit Evaluation : M

(NAME OF THE PROJECT)

COMPARATIVE OVERVIEW OF FIRMS

Sr. No.	Description/Items of Comparison	Firms/Groups			
		Name of Firm/Group	Name of Firm/Group	Name of Firm/Group	Name of Firm/Group

B. Quality of Principal Staff
(Maximum of 7 preferably 5)

1. Education

- i) Basic Degree
- ii) Additional

2. Professional Experience
(No. of years)

- i) Total
- ii) Relevant
- iii) General

[Name of Department/Entity]

Assignment : _____

Project : _____

Date : _____

INFORMATION FORM

1. Name of consultant [Lead partner if association]
 - o Address
 - o Telephone No(s)
 - o Fax Number
 - o E-mail Address
 - o Registration No. with PEC alongwith Registered Office Address.
2. Description of consulting firm (ownership/organization)
3. Experience (Number of Years)
 - o Local/national
 - o International
 - o Regional (within the country-details)
4. Name(s) and Address(es) of Associates, if a JV; their short description and description of their role in the JV/Association.
5. Experience of the Consultants (on appended forms) during the past 10 years:
 - o Specific (3-5 Projects of similar magnitude and complexity)
 - o General (10-20 Projects)
(in all Fields but not completely relevant)
6. Organization chart showing consultant's structure.
7. Capital of consultant (Financial Statements for the latest three years).
 - o Subsidiaries and associates.
 - o Annual fees in the last five years in current index.
 - o Financial reference [name/address of bank(s)]
8. Professional staff available for the assignment on the appended format.
 - o (The client entity should provide the essential disciplines
between 3 to 5 in number)
9. Additional information.

Yours truly,

Name of Authorized Representative

Position :

Date :

EXPERIENCE OF CONSULTANT

Relevant services carried out in the Last 7-10 years which best illustrate qualification.

[NAME OF THE FIRM/CONSULTANT]

1. Name of Assignment :
2. Country :
3. Name of Client :
4. Address :
5. Start Date : Month/Year
6. Completion Date : Month/Year
7. Professional Staff Provided :
8. No. of Staff :
9. No. of Staff Months :
10. Approx: Value of Services :
11. Name of Other JV Firms :
(If any)
12. No. of Staff/Staff Months
Provided by the JV partner(s) :
13. Name/Position of Key Staff :
14. Description of Project :
15. Description of Services
Provided by the Firm :

**FORMAT OF CURRICULUM VITAE
OF PROPOSED EXPERTS**

1. The Discipline/ Expertise :
2. Name of the Firm :
3. Name of Nominee :
4. Date of Birth :
5. Years with the Firm :
6. Nationality :
7. PEC Registration/
Membership No. :
8. Key Qualifications : (Provide an outline of the nominee's experience)
9. Academic Qualification :
10. Employment Record :
11. Languages and
Degree of
Proficiency : (In speaking, reading and writing as
Excellent-Good-Fair-Poor)
12. Certification I, the undersigned, certify that, to the best of my knowledge and belief, these bio-data correctly describes myself, my qualifications and my experience.

Signature:

Dated: day/month/year