

# Coal & Energy Development Department Government of Sindh

## REQUEST FOR EXPRESSION OF INTEREST

### FOR HIRING LEGAL CONSULTING SERVICES

#### 1. GENERAL

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**1.1** Coal & Energy Development Department (CEDD), Government of Sindh entered into joint venture agreement with M/s Engro Corp and has established Sindh Engro Coal Mining Company (SECMC) in 2009. The SECMC is currently working on open cast lignite mining in Thar Block-II, district Tharparkar, Sindh, Pakistan. CEDD seeks services of a reputed Law Firm to provide legal advice and corporate, regulatory, advisory services for following assignments.

**1.2** The **Scope of Work** of the assignment are as under:

Provide legal advice to Coal & Energy Development Department regarding existing shareholders / JV agreement between GoS and the JV Partner in Thar Block-II and suggest appropriate changes to incorporate recent decisions of the JV partners in JV agreement.

**1.3** CEDD now invites interested Law Firms to indicate their willingness in providing the above services. The interested Law Firms must provide information indicating that they are qualified to perform the services (description of similar assignments, experience in similar conditions and availability of appropriate skills among staff etc). Only short listed Law Firms will subsequently be invited to submit Technical and Financial proposals on the prescribed "Request for Proposal (RFP)". Expressions of Interest must be delivered to the address, mentioned vide Clause 4.1 of this document, by 5.00pm on 17<sup>th</sup> July, 2013.

## 2. SHORTLISTING

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### 2.1 *Eligibility Requirements*

In order to be shortlisted by the CEDD, the Law Firms **must fulfill** the following eligibility requirements:

- A. Must have past experience of similar assignments.
- B. Must have experience of having undertaken Projects/ Assignments related to Contracts, Agreements and/ or Joint Ventures.
- C. Preferably have the experience of similar assignment in Mining Sector and/ or for Public Sector Organizations.

**2.1(a) Evaluation Criteria:**

<b>Item</b>	<b>Score</b>
<b>Number of Qualified personnel in the Firm</b> <ul style="list-style-type: none"> <li>One to Two Persons: 05 Marks</li> <li>Three to Five Persons: 07 Marks</li> <li>More than Five Persons: 10 Marks</li> </ul>	<b>10</b>
<b>Financial Capability</b> (Average annual turn over of the firm during last three years, duly certified) <ul style="list-style-type: none"> <li>Rs. 5 million to 10 million: 05 Marks</li> <li>More than Rs. 10 million: 10 Marks</li> </ul>	<b>10</b>
<b>Number of Projects/ Assignments carried out related to Contracts, Agreements and/ or Joint Ventures in Mining Sector and/ or for Public Sector Organizations.</b> <ul style="list-style-type: none"> <li>One to Two Projects/ Assignments: 10 Marks</li> <li>Three to Five Projects/ Assignments: 20 Marks</li> <li>More than Five Projects/ Assignments: 30 Marks</li> </ul>	<b>30</b>
<b>International experience in Contracts, Agreements and/ or Joint Ventures</b> <ul style="list-style-type: none"> <li>One to Two Projects/ Assignments: 10 Marks</li> <li>Three to Five Projects/ Assignments: 15 Marks</li> <li>More than Five Projects/ Assignments: 20 Marks</li> </ul>	<b>20</b>
<b>Experience of carrying out corporate and group review for project financing and/ or assets/ liabilities structuring,</b> <ul style="list-style-type: none"> <li>One to Two Projects/ Assignments: 05 Marks</li> <li>Three to Five Projects/ Assignments: 07 Marks</li> <li>More than Five Projects/ Assignments: 10 Marks</li> </ul>	<b>10</b>
<b>Experience in developing regulatory framework / consortium agreements and/ or Implementation Agreements</b> <ul style="list-style-type: none"> <li>One to Two Projects/ Assignments: 10 Marks</li> <li>Three to Five Projects/ Assignments: 15 Marks</li> <li>More than Five Projects/ Assignments: 20 Marks</li> </ul>	<b>20</b>
<b>Total</b>	<b>100</b>
<b>Minimum Qualifying Score = 70 Marks</b>	

## **2.2 *Basis for Disqualification***

The following may be reasons for disqualification of a by the CEDD at any time/stage:

- (a) If the firm fails to submit the required support documentation along with the EoI by the Due Date.
- (b) Misrepresentation, withholding or concealment of information in the EoI by the firm.
- (c) If the firm fails to disclose or provide any additional information as may be required by the CEDD.
- (d) If the CEDD determines that the firm is prohibited from doing business with the CEDD on grounds which may include but not limited to past track record, public policy or national interest.
- (e) If the CEDD determines during evaluation that the firm (in its sole discretion) will be unable to satisfactorily provide the Consulting Services (including as a consequence of any conflict of interest).

## **2.3 *Discretion of the CEDD:***

Notwithstanding anything contained herein, the CEDD may at its discretion reject any or all EoIs, temporarily halt the process or annul the same at any time/stage in accordance with the provisions of Sindh Public Procurement Rules 2010.

## **3. MANDATORY CONTENTS OF EoI**

Each EoI shall include the following sections:

- Capability and Experience
- Conflict of Interest

### **3.1 *Capability and Experience***

This section of the EoI shall include the following information of the firm:

- (a) Name of each employee working full time at the firm together with his/her academic qualification and years of experience.
- (b) Resume of at least two (2) persons who would be involved in provision of the Consulting Services together with their expertise and experience, demonstrating their capability to provide the Services (including relevant experience).

### **3.2 *Conflict of Interest***

This Conflict of Interest section shall include information regarding any conflict of interest that a firm has in representing EoI.

#### **4. SUBMISSIONS OF EoIs**

##### **4.1 *Timing, Number of Copies and Filing Requirements***

The firm must submit an original three copies of its EoIs not later than 1700 hrs Pakistan Standard Time on or prior to 17<sup>th</sup> July, 2013 to the following address:

Deputy Secretary (Admn),  
Coal & Energy Development Department,  
Government of Sindh  
1<sup>st</sup> Floor, State Life Building No 3,  
Dr Ziauddin Ahmed Road,  
Opposite Chief Minister House,  
Karachi.  
Telephone: 021-99207528-30, Fax: 021-99207534

Each EoI shall be in English. Faxed EoIs will not be accepted. EoIs bearing a postmark or courier dispatch receipt up to 1700 hrs Pakistan Standard Time on the Due Date will be accepted upon the package's arrival.

##### **4.2 *Sealing and Marking of EoIs***

In order to avoid the possibility of loss of the contents of an EoI due to a rupture of the outer envelope containing an EoI, each EoI should be enclosed in a sealed envelope which itself should be encased in another envelope. Both the inner and outer envelope(s) must be marked with the full address as shown above.

##### **4.3 *Material Change***

Each firm must report any material change in the information provided by it in its EoI up to the Due Date. Any such material change that may be grounds for disqualification under Section 2.2 could lead to a disqualification of the firm.

##### **4.4 *Certification***

The Responsible Partner must sign the EoI, on behalf of the firm, to indicate consent evidencing their agreement to provide the Consulting Services.

The Responsible Partner submitting the EoI on behalf of the firm shall certify the EoI in the following form:

“I, the undersigned certify on behalf of [name of the firm] that to the best of my knowledge and belief, and upon diligent inquiry, all the information submitted in this Expression of Interest is true and accurate. I further confirm and understand that amongst other reasons any misrepresentation or concealment of facts will render [name of firm] disqualified for pre-qualification.

In certification of the statements above, I hereby sign this document on the \_\_\_\_ day of \_\_\_\_ 2013.

[Type written name, signature and position of the Responsible Partner.]”

## **5. REVIEW AND EVALUATION OF EoIs**

### **5.1 *Review and Evaluation***

The experience, expertise and other capabilities of the firm to provide the Consulting Services will be reviewed and evaluated by the CEDD, which in view of the aforementioned criteria shall determine whether the firm has the expertise and the capability to provide the Consulting Services.

### **5.2 *Supplementary Information***

Where the CEDD deems it convenient or necessary, it may request supplementary information or documentation from a firm for determining eligibility for pre-qualification of such firm.

### **5.3 *Intimation of Shortlisting***

Intimation of pre-qualification will be given in writing and delivered to pre-qualified firm by facsimile, mail and/or courier at their specified address.

### **5.4 *Return of EoI***

The GOS shall be under no obligation to return any EoI submitted by a firm or to reimburse a firm for the cost of preparing an EoI or any other costs incidental thereto.

## **6. BIDDING**

All shortlisted firms will be sent 'Request For Proposal' ("**RFP**"). If a pre-qualified firm bids for providing the Consulting Services, it shall be deemed to have no objection to the terms of the RFP.

## **7. SPECIAL PROVISIONS**

### **7.1 *Discharge and Exemption***

Each firm that submits an EoI exempts and discharges the CEDD and its consultants, advisors and personnel completely and unconditionally from any responsibility or liability for the decisions that may be made with respect to its pre-qualification to participate in the bidding process for providing the Consulting Services.

### **7.2 *Confidentiality During Pre-Qualification***

By submitting its EoI, each firm agrees to maintain the confidentiality of all information supplied to it in connection with the pre-qualification process and agrees to keep its own application confidential, whether or not it is among those pre-qualified by the CEDD.

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