

# Request for Proposal for Legal Services

No. ICTR&DF/Legal Services/2015/0008/Proc.

## National ICT R&D Fund

**National ICT R&D Fund, 6<sup>th</sup> Floor of HBL Tower, Blue Area, Islamabad, Pakistan**

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## **1 ABOUT NATIONAL ICT R&D FUND (THE COMPANY)**

National ICT R&D Fund has been incorporated with the Securities and Exchange Commission of Pakistan (**SECP**) under Section 42 of the Companies Ordinance, 1984 by the Ministry of IT, Government of Pakistan (hereinafter referred to as “**the Company**”). The Company is mandated to research and develop Information and Communication Technologies (**ICT**) with the vision to transform Pakistan’s economy into knowledge based economy by promoting efficient, sustainable and effective ICT initiatives through synergic development of industrial and academic resources. More details about the company are available at <http://www.ictrdf.org.pk>.

## **2 OVERVIEW OF PROPOSAL**

Through this request for proposal National ICT R&D Fund invites proposals from licensed/registered Law Firms to provide professional legal services to the Company as per TORs mentioned below (hereinafter referred to as “**the RFP**”).

### **2.1 TERMS OF REFERENCE (ToRs)**

The Successful law firm will be required to perform, *inter alia*, the following legal services as requested by the Company:

- i) Review, draft and negotiate contracts, request for proposals, expression of interests as and when required by the company;
- ii) Review, draft and negotiate memorandums of understanding, partnership/collaboration agreements (including Public-Private Partnerships), intellectual property right/patent agreements with various national and international entities, whenever required by the Company;
- iii) Advise on all potential corporate, regulatory and other legal issues of public sector organization;
- iv) Advise on individual labor and employment matters;
- v) Review personal, fiscal, and other policies as well as corporate by-laws;
- vi) Attend Board of Directors and Committees meetings as necessary;
- vii) Advise on Government grant and contract issues;
- viii) Advice on matters related to intellectual property rights;
- ix) Advise on response to subpoenas, court orders and request for information from third parties;
- x) Defend lawsuits, or any other claims, and conduct litigation as necessary;
- xi) Attendance and participation at meetings about and/or with entities having legal business with the Company, when required by the Company;
- xii) Other legal services as needed.

## **3 PROPOSAL CONTENTS**

Proposals submitted against RFP should provide clear, concise information that satisfies the requirements of this RFP. The offeror, in its proposal, shall, as a minimum, include the following:

**i) Legal Experience:**

The offeror should describe its legal experience, including names, addresses, contact persons and telephone numbers of at least three clients, preferably including clients similar to the Company. Experience should include the following categories:

- (a) General Experience of the offeror including experience of the in the areas of commercial and corporate law, labor and employment law, general litigation, arbitration, dispute resolution, mediation and advisory and transactional work in the areas of Intellectual Property Rights Law, Information and Communication Technologies law, Cyber Law etc.;
- (b) Experience advising non-profit organizations and public sector organizations;
- (c) Experience advising clients conducting similar programs and government-funded services;
- (d) Experience advising clients on international law matters (for both local and international clients).

**ii) Organization Status, Size, Structure and Areas of Practice:**

The offeror should provide a detailed profile of the its firm including certified copies of all necessary documents such as certificate of incorporation, registration, NTN or an equivalent document for proof of legal status, details of organization size, structure office(s) location and branches along with number of employees and areas of practice.

**iii) Qualifications of Team Members:**

The offeror must include in the proposal:

- (a) Professional and educational background of the proposed team lead and core members dedicated to this assignment (For associates a minimum of five years of experience is required);
- (b) Overall supervision to be exercised;
- (c) Previous experience of each individual of the proposed team lead and core members with respect to the required experience listed above, description of other work, educational qualification and bar memberships local and international (if any);
- (d) Details of at least one of the partners of the law firm who shall be an Advocate of the Supreme Court of Pakistan;
- (e) A list of minimum 25 Reported Judgements of the proposed team lead and core team members.

**iv) Billing Rates:**

- (a) Hourly billing rate for each individual (partners, associates, staff expected to work on this assignment);
- (b) Hourly rate for counsel provided during disputes and litigation in courts of law.
- (c) Discounted rate(s);
- (d) Monthly flat fee that would be charged to advise on routine matters that could be handled over the telephone or otherwise without extensive research or other legal work; Also indicate hours to be given per month during retainer-ship period and whether unutilized hours shall be carried onwards.
- (e) Charges for expenses, if any, such as legal research, copies and other matters ancillary thereto.

**v) Other documents/information to be provided:**

- (a) A covering letter;
- (b) Complete name, mailing address, and telephone number of the concerned authorized representative (must be a partner in the law firm);
- (c) Curriculum Vitae of all partner(s) and associates etc, working with the offeror's firm;
- (d) A minimum of three references from clients, for whom the firm has provided similar work within the last five years;
- (e) Information indicating the ability of the offeror to perform the work in a timely manner. The offeror shall provide summaries of work performed and time spent on services performed under flat monthly rate.
- (f) Any other documentation deemed necessary for submission by the offeror.

**4 SCHEDULE**

The schedule set out herein represents the Company's best estimate of the schedule that will be followed for bidding process. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will be shifted by the same number of days. The approximate schedule is as follows:

<b>S#</b>	<b>ACTIVITY</b>	<b>DATES</b>
<b>1</b>	RFP Issue Date	09-09-2015
<b>2</b>	Deadline for queries / questions	17-09-2015
<b>3</b>	Response to queries questions related to RFP	21-09-2015
<b>4</b>	Proposal Submission Deadline	28-09-2015
<b>5</b>	Opening of Technical Proposals	28-09-2015

<b>6</b>	Opening of Financial Proposals (in front of offerors at 6 <sup>th</sup> Floor, HBL Tower, Jinnah Avenue, Blue Area, Islamabad)	Manager Procurement will communicate date & time to technically qualified bidders.
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## 5 EVALUATION CRITERIA

Technical proposals will be evaluated on the basis of Scoring Criteria as provided below. Financial proposals would be opened only for those offerors obtaining 60% or higher marks in Technical Evaluation.

Financial proposals of those offerors obtaining less than 60% marks in Technical Evaluation shall remain un-opened & would be returned to the offerors. An evaluation committee appointed by the Company will evaluate the technical proposals on the basis of their compliance with the RFP and by applying the evaluation criteria and the point system as specified below.

### 5.1 SCORING CRITERIA

Following is the scoring criteria for Technical & Financial Evaluation.

<b>S#</b>	<b>Technical Evaluation</b>	<b>Marks Allocated</b>	<b>Marks Obtained</b>
<b>a.</b>	Experience of the offeror firm	20	
<b>b.</b>	Performance of the firm with previous clients on projects of similar nature based upon quality of work, control of costs, ability to meet schedules or deadlines and responsiveness to the client. This shall also prove that the firm has at least five years' experience of relevant services.	10	
<b>c.</b>	Level, experience and qualifications of the individuals identified to work on this assignment (For associates a minimum of five years of experience is required)	15	
<b>d.</b>	Proposed approach to scope of work	10	
<b>e.</b>	Firm's presence/team availability within major cities Pakistan and globally (if any) along with local and international ranking, if any, with Chambers and Partners, Legal 500, Martindale-Hubbell or Bloomberg.	05	
<b>f.</b>	Response from references	05	
<b>g.</b>	Reported Judgments of cases	05	
	<b>Total Points</b>	<b>70</b>	

<b>S#</b>	<b>Financial Evaluation</b>	<b>Marks Allocated</b>	<b>Marks Obtained</b>
<b>g.</b>	Cost of services reflecting the following: <ul style="list-style-type: none"> <li>i. Hourly rate of Partner</li> <li>ii. Hourly rate of Associate</li> <li>iii. Hourly rate of other support staff</li> <li>iv. Others (please specify)</li> </ul>	10	

<b>h.</b>	Monthly flat fee that would be charged to advise on routine matters etc. and number of hours	10	
<b>i.</b>	Hourly rates for representation during litigation, disputes in court of laws etc.	10	
	<b>Total Points</b>	<b>30</b>	

Final assignment award will be on the basis of combined technical and financial score in the following manner:

<b>PROPOSAL</b>	<b>WEIGHT</b>
Technical	70%
Financial	30%
<b>TOTAL</b>	<b>100%</b>

## 6 ANNEXURE A - STANDARD INSTRUCTIONS

- i) Proposals will be accepted and evaluated using **Single Stage, Two Envelope Procedure** as per applicable procurement rules.
- ii) Each technical proposal shall be submitted as two printed copies (one marked as ORIGINAL, the other as COPY) and one soft copy on a CD or DVD (MS Word compatible file format).
- iii) A sealed financial proposal is to be submitted along with the technical proposal.
- iv) Proposals shall be submitted in English language.
- v) The proposals shall be comprehensive, clear and elaborate. Different sections of the proposals shall be separated using color separators, flags or tags. The proposals shall be prepared without any interlineations or overwriting.
- vi) Offeror may request in writing, for clarification of any of the provisions of this RFP up till 07 (seven) calendar days before the submission date. All queries may be sent to [usman.tahir@ictrfd.org.pk](mailto:usman.tahir@ictrfd.org.pk) Responses to queries will be emailed and also placed on the Company's website.
- vii) The Company reserves the right to accept or reject any or all of the proposals submitted at any time in accordance with applicable rules.
- viii) The costs of preparing the proposal and of negotiating any subsequent funding, including visits for discussion with the Company are not reimbursable.
- ix) All documents submitted should be duly stamped and initialed by authorized representative of the offeror firm.
- x) The proposal shall be accompanied by a bank draft of Rs. 2000 favoring "National ICT R&D Fund" as non-refundable processing fee.
- xi) Law firms which are already on National ICT R&D Fund's Panel of Law Firms should also submit fresh application along with the requisite updated profile and paying the processing fee.
- xii) Proposals must be delivered at the address given below on or before the closing date:

**Manager Procurement  
National ICT R&D Fund  
6th Floor, HBL Tower,  
Jinnah Avenue  
Blue Area, Islamabad,  
Pakistan  
Tel: 051-9215360 to 65  
Email: [usman.tahir@ictrdf.org.pk](mailto:usman.tahir@ictrdf.org.pk)**



## 7 ANNEXURE B – MANDATORY ELIGIBILITY CRITERIA

All proposals must meet the mandatory eligibility criteria. Proposals that do not meet mandatory eligibility criteria shall be rejected and shall not be evaluated further.

#	Mandatory Eligibility Criteria	Yes	No
1	Proof of Certificate of Incorporation or Registration or equivalent	<input type="checkbox"/>	<input type="checkbox"/>
2	Proof of NTN Certificate and GST Registration Certificate ( <i>if applicable</i> )	<input type="checkbox"/>	<input type="checkbox"/>
3	Affidavit (on stamp paper) that the Bidder is not insolvent and bankrupt.	<input type="checkbox"/>	<input type="checkbox"/>
4	Affidavit (on stamp paper) that the Bidder has not been blacklisted or debarred by Public Procurement, Government, Semi-Government, Private, Autonomous body or any other international organization.	<input type="checkbox"/>	<input type="checkbox"/>