

PRC/PQ-LF/01/2023



**BIDDING DOCUMENTS**

**for**

**PRE-QUALIFICATION OF LAW FIRMS  
FOR ENLISTMENT ON THE PANEL OF  
PRCL**

**MAY, 2023**

Pakistan Reinsurance Company Limited, 32-A, Lalazar Drive, M.T.Khan Road, Karachi

## **PREFACE**

Rule 23 of Public Procurement Rules requires procuring agencies to formulate bidding documents that shall be made available to the bidders immediately after the publication of the invitation to bid. Use of these documents is mandatory for either open or limited bidding.

**Document comprises of the Sections listed below:**

### **PART-A – PREQUALIFICATION PROCESS**

- Section I - Instructions to Applicants (ITAs)
- Section II - Prequalification Data Sheet (PDS)
- Section III - Qualification Criteria and Requirements
- Section IV - Application Forms
- Section V - Eligible Countries
- Section VI - Term of Reference

The logo for PakRe features a stylized green graphic above the text 'PakRe'. The graphic consists of a large, light green 'P' shape on the left and a vertical line on the right, with a curved line connecting them at the top. Below the graphic, the word 'PakRe' is written in a bold, green, sans-serif font. A thick green horizontal line is positioned below the text.

**MINISTRY OF COMMERCE, GOVERNMENT OF PAKISTAN  
PAKISTAN REINSURANCE COMPANY LIMITED (PRCL)**

**EXPRESSION OF INTEREST (EOI) (PRC/PQ-LF/01/2023)  
PREQUALIFICATION OF LAW FIRMS FOR ENLISTMENT ON  
THE PANEL OF PRCL**

1. The Pakistan Reinsurance Company Limited (PRCL), a Public Sector Company governed under the administrative control of Ministry of Commerce, invites bids from the legal firms as per advertisement for the subject purpose, uploaded on PRCL and PPRA websites dated May 19<sup>th</sup>, 2023.
2. The objective of the prequalification is to establish a panel of law firms with diverse areas of expertise to support PRCL in its legal matters. The panel will be engaged to provide legal advice, assistance and representation in various legal matters and transactions of the company as and when required.
3. Interested bidders may obtain bidding documents free of cost from Procurement Department, 12th floor, PRC Towers, 32-A, Lalazar Drive, M. T. Khan Road, Karachi by visiting PRCL during office hours or through email mentioned below
4. The original bids, properly enclosed in sealed envelopes must reach at the office of the undersigned at aforementioned address on or before 11:00am on June 6<sup>th</sup>, 2023. The bids will be opened on the same day at 11:30am.
5. The PRCL reserves the right to accept or reject any or all bids within the purview of PPRA rules.

**Sd/-**  
**(Muhammad Asif Ghafoor)**  
Procurement Specialist  
Pakistan Reinsurance Company Limited, HOK  
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**PakRe**

## **SECTION I – INSTRUCTION TO APPLICANTS**

<b><u>General Conditions</u></b>		
1. Scope of Applicants	1.1	In connection with the “Invitation for Prequalification”, the Procuring Agency, as defined in Section II (Prequalification Data Sheet abbreviated as PDS), issues this set of Prequalification Documents (PD) to prospective applicants (also hereinafter referred as Applicants) interested in submitting applications (also hereinafter referred as Applications) to determine the capacity and capability of the Applicant(s) for Services incidental thereto as specified in Section VI (Schedule of Requirements).
2. Source of Funds	2.1	Source of funds is same as referred in Invitation for Prequalification
3. Fraud & Corruption	3.1	The Procuring Agency requires that the Applicants /Bidders/ Suppliers/ Contractors/ Legal firms under Government financed contracts; observe the highest standard of ethics during the procurement and execution of such agreements and contracts.
	3.2	The Applicants/Bidders/Legal firms shall permit and shall cause their agents (whether declared or not), sub-contractors, sub-consultants, service providers, suppliers, and their personnel, to permit the Procuring Agency to inspect all accounts, records and other documents relating to any, Application/Bid submission, Primary Procurement process, Framework Agreement performance, Secondary Procurement process, and/or Contract performance (in the case of award of a Contract), and to have them audited by auditors appointed by the Procuring Agency.
	3.3	Any communications between the Applicant and the Procuring Agency related to matters of alleged corrupt and fraudulent practices must be made in writing or in electronic forms that provide record of the content of communication.
	3.4	Procuring Agency will reject an application or bid or proposal, if it is established that the Applicant or the Bidder or Prosper was engaged in corrupt and fraudulent practices in competing for the contract.
	3.5	Procuring Agency will also declare the Applicant as blacklisted in accordance with Public Procurement Rule 19 and predefined standard mechanism.
4. Eligible Bidders	4.1	An Applicant may be a private entity, a state-owned enterprise or institution subject to ITB 4.6, or any

		<p>combination of such entities in the form of a joint venture (JV) under an existing JV agreement or with the intent to enter into such an agreement supported by a letter of intent.</p> <ul style="list-style-type: none"> <li>• In case of single (private or state-owned entity), it shall be liable for execution of all the provisions of the Framework Agreement (if signed b/w the Procuring Agency and the entity), the execution of any Contract(s) awarded (to the entity) under the Framework Agreement in accordance with the Contract conditions that apply.</li> <li>• In the case of a joint venture, all members shall be jointly and severally liable for the execution of all the provisions of the Framework Agreement (if signed b/w the Procuring Agency and the JV), the execution of any Contract(s) awarded (to the JV) under the Framework Agreement in accordance with the Contract conditions that apply. – Not Applicable</li> <li>• The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the Prequalification process, Bidding process (in the event the prequalified JV submits a Bid) and during the period of framework agreement and contract execution (in the event the JV is awarded the Contract). Unless specified in the PDS, there is no limit on the number of members in a JV.</li> </ul>
	4.2	An Applicant may apply for Prequalification individually; Bids submitted in violation of this provision will be rejected.
	4.3	An Applicant and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that entity) may submit its Application for Prequalification either individually, However, if prequalified only one prequalified Applicant will be allowed to bid for the same contract. All Bids submitted in violation of this provision will be rejected.
	4.4	Applicants shall be considered to have a conflict of interest, if they participated as a consultant in the preparation of the design or technical specifications or

		<p>have been hired or proposed to be hired by the Procuring Agency for execution of subsequent Framework Agreement(s) or Contract(s). In addition, Applicants may be considered to have a conflict of interest if they have a close business or family relationship with such professional staff of the Procuring Agency (or a recipient of a part of the funds) who:</p> <ol style="list-style-type: none"> <li>a) are directly or indirectly involved in the preparation of the Prequalification Documents or Bidding Documents or specifications of the Framework Agreement or Contract and/or the Prequalification or Bid evaluation process of such Contract; or</li> <li>b) would be involved in the implementation or supervision of such Framework Agreement or Contract, unless the conflict stemming from such relationship has been resolved throughout the Procurement Process, Bidding process during the execution of the Framework Agreement and/or Contract.</li> </ol>
	4.5	An Applicant that has been declared debarred or blacklisted shall be ineligible to be prequalified to bid or enter into any Framework Agreement or Contract for such period of time and for such type of procurement for which he has been declared debarred or blacklisted. The list of debarred firms and individuals is available at PPRA's website.
	4.6	An Applicant shall provide such documentary evidence for determining the eligibility of the Applicant to the reasonable satisfaction of the Procuring Agency.
5. Eligibility in terms of Nationality	5.1	Applicants may be ineligible if they are nationals of ineligible countries as indicated in Section V.
<b><u>Contents of the prequalification documents</u></b>		
6. Sections of Prequalification Documents	6.1	<p>This set of Prequalification Documents consists of Part 1 which comprise all the sections indicated below, and which should be read in conjunction with any Addendum issued in accordance with ITA 8.</p> <p>Part 1 – Prequalification Procedures</p> <ul style="list-style-type: none"> <li>• Section I - Instructions to Applicants (ITA)</li> <li>• Section II - Prequalification Data Sheet (PDS)</li> <li>• Section III - Qualification Criteria and Requirements</li> <li>• Section IV - Application Forms</li> <li>• Section V - Eligible Countries</li> </ul>

		<ul style="list-style-type: none"> <li>• Section VI – Term of Reference</li> </ul>
	6.2	Unless obtained directly from the Procuring Agency or downloaded directly from the website link referred in the Invitation for Prequalification, the Procuring Agency accepts no responsibility for the completeness of the Prequalification documents, responses to requests for clarification, the minutes of the pre-Application meeting (if any), or Addenda to the Prequalification documents in accordance with ITA 8. In case of any discrepancies, documents issued directly by the Procuring Agency or downloaded from the website link shall prevail.
	6.3	The Applicant is expected to examine all instructions, forms, and terms in the Prequalification Documents and to furnish with its Application all information or documentation as is required by the Prequalification Documents.
7. Clarification of Prequalification Documents and Pre-Application Meeting	7.1	An Applicant requiring any clarification of the Prequalification Documents shall contact the Procuring Agency in writing at the Procuring Agency’s address indicated in the PDS. The Procuring Agency will respond in writing to any request for clarification provided that such request is received no later than three (03) days prior to the deadline for submission of the Applications. The Procuring Agency shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Documents directly from the Procuring Agency (or through its website link), including a description of the inquiry but without identifying its source. If so indicated in the PDS, the Procuring Agency shall also promptly publish its response at the web page identified in the PDS. Should the Procuring Agency deem it necessary to amend the Prequalification Documents as a result of a clarification, it shall do so following the procedure under ITA 8 and in accordance with the provisions of ITA 17.2.
	7.2	If indicated in the PDS, the Applicant’s designated representative is invited at the Applicant’s cost to attend a pre-Application meeting at the place, date and time mentioned in the PDS. During this Pre-Application meeting, prospective Applicants may request clarification of the schedule of requirement, the qualification criteria or any other aspects of the Prequalification Documents.
	7.3	Minutes of the Pre-Application meeting, if applicable, including the text of the questions asked by Applicants, including those during the meeting (without identifying the source) and the responses given, together with any



		responses prepared after the meeting will be transmitted promptly to all prospective Applicants who have obtained the Prequalification Documents. Any modification to the Prequalification Documents that may become necessary as a result of the pre-Application meeting shall be made by the Procuring Agency exclusively through the use of an Addendum pursuant to ITA 8. Non-attendance at the pre-Application meeting will not be a cause for disqualification of an Applicant.
8. Amendment of Prequalification Documents	8.1	At any time prior to the deadline for submission of Applications, the Procuring Agency may amend the Prequalification Documents by issuing an Addendum.
	8.2	Any Addendum issued shall be part of the Prequalification Document and shall be communicated in writing to all Applicants who have obtained the Prequalification Documents from the Procuring Agency. The Procuring Agency shall promptly publish the Addendum at the Procuring Agency's web page identified in the PDS:  Provided that an Applicant who had either already submitted their Applications or handed over the applications to the courier prior to the issuance of any such addendum shall have the right to withdraw his already filed Application and submit the revised Application prior to the original or extended Application submission deadline.
	8.3	To give Applicants reasonable time to take an Addendum into account in preparing their Applications, the Procuring Agency may at its discretion, extend the deadline for the submission of Applications in accordance with ITA 17.2:  Provided that the Procuring Agency shall extend the deadline for submission of Applications, if such an addendum is issued within last three (03) days of the Application submission deadline.
<b><u>Preparation of Applications</u></b>		
9. Cost of Applications	9.1	The Applicant shall bear all costs associated with the preparation and submission of its Application. The Procuring Agency will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the Prequalification process.
10. Language of Application	10.1	The Application as well as all correspondence and documents relating to the Prequalification exchanged by the Applicant and the Procuring Agency, shall be written in the language specified in the PDS. Supporting

		documents and printed literature that are part of the Application may be in another language, provided they are accompanied by an accurate translation of the relevant passages in the language specified in the PDS, in which case, for purposes of interpretation of the Application, the translation shall govern.
11. Documents Comprising the Application	11.1	The Application shall comprise the following: <ul style="list-style-type: none"> <li>a) Application Submission Letter, in accordance with ITA 12.1;</li> <li>b) Eligibility: documentary evidence establishing the Applicant's eligibility, in accordance with ITA 13.1;</li> <li>c) Qualifications: documentary evidence establishing the Applicant's qualifications, in accordance with ITA 14; and</li> <li>d) any other document required as specified in the PDS.</li> </ul>
12. Application Submission Letter	12.1	The Applicant shall complete an Application Submission Letter as provided in Section IV (Application Forms). This Form must be completed without any alteration to its format.
13. Documents Establishing Eligibility of the Applicant	13.1	To establish its eligibility in accordance with ITA 4, the Applicant shall complete the eligibility declarations in the Application Submission Letter and Form ELI-1.1 (eligibility), included in Section IV (Application Forms).
14. Documents Establishing the Qualification of the Applicant	14.1	To establish its qualifications to perform the contract(s) in accordance with Section III (Qualification Criteria and Requirements), the Applicant shall provide the information requested in the corresponding Information Sheets included in Section IV (Application Forms).
	14.2	Wherever an Application Form requires an Applicant to state a monetary amount, Applicants should indicate the Pak Rupee equivalent using the rate of exchange determined as follows: <ul style="list-style-type: none"> <li>a) for turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year (in which the amounts for that year is to be converted).</li> <li>b) value of single contract - Exchange rate prevailing on the date of the contract.</li> </ul>

	14.3	Exchange rates shall be taken from the publicly available source identified in the PDS. Any error in determining the exchange rates in the Application may be corrected by the Procuring Agency.
15. Signing of the Application and Number of Copies	15.1	The Applicant shall prepare one set of the original documents comprising the Application as described in ITA 11 and clearly mark it "ORIGINAL". The original set of the Application shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the Applicant.
	15.2	The Applicant shall submit copies of the signed original Application, in the number specified in the PDS, and clearly mark them "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.
	15.3	When the Applications are submitted electronically, if permitted pursuant to ITA 17.1, The Applicant shall submit ORIGINAL and COPIES in accordance with the procedures specified in the PDS.
<b><u>Submission of Applications</u></b>		
16. Sealing and Identification of Applications	16.1	The Applicant shall enclose the original and the copies of the Application in a sealed envelope that shall: <ul style="list-style-type: none"> <li>a) bear the name and address of the Applicant;</li> <li>b) be addressed to the Procuring Agency, in accordance with ITA 17.1; and</li> <li>c) bear the specific identification of this Prequalification process indicated in the PDS reference ITA 1.1.</li> </ul>
	16.2	When the Applications are submitted electronically, if permitted pursuant to ITA 17.1, The Applicant shall seal the original and the copies in accordance with the procedures specified in the PDS.
	16.3	The Procuring Agency will accept no responsibility for not processing any envelope that was not identified as required in ITA 16.1 above.
17. Deadline for submission of Applications	17.1	Applicants may either submit their Applications by hand. Applications shall be received by the Procuring Agency at the address and no later than the deadline indicated in the PDS.
	17.2	If required in accordance with the provisions of ITA 8.3,

		the Procuring Agency will extend the deadline for the submission of Applications, in which case all rights and obligations of the Procuring Agency and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended.
	17.3	The deadline will be extended in the same manner as that of original Invitation for Prequalification (or the advertisement).
18. Late Applications	18.1	The Procuring Agency reserves the right to accept Applications received after the time for submission of Applications, however subject to the condition that the same is received within the date specified as last date for submission of applications but before the time for opening of the Applications.
19. Opening of Applications	19.1	The Procuring Agency shall open all Applications at the date, time and place specified in the PDS. Late Applications shall be treated in accordance with ITA 18.1.
	19.2	Applications submitted electronically, if permitted pursuant to ITA 17.1, shall be opened in accordance with the procedures specified in the PDS.
	19.3	The Procuring Agency shall prepare a record of the opening of Applications to include, as a minimum, the name of the Applicants. A copy of the record shall be distributed to all Applicants.
<b>Procedures for Evaluation of Applications</b>		
20. Confidentiality	20.1	Information relating to the Applications, their evaluation and results of the Prequalification shall not be disclosed to Applicants or any other persons not officially concerned with the Prequalification process until the notification of Prequalification results is made to all Applicants in accordance with ITA 28.
	20.2	From the deadline for submission of Applications to the time of notification of the results of the Prequalification in accordance with ITA 28, any Applicant that wishes to contact the Procuring Agency on any matter related to the Prequalification process may do so only in writing.
21. Clarification of Applications	21.1	To assist in the evaluation of Applications, the Procuring Agency may, asks an Applicant for a clarification (including missing documents) of its Application, to be submitted within a stated reasonable period of time. Any request for clarification from the Procuring Agency and all clarifications from the Applicant shall be in writing.
	21.2	If an Applicant does not provide clarifications and/or documents requested by the date and time set in the Procuring Agency's request for clarification, its

		Application shall be evaluated based on the information and documents available at the time of evaluation of the Application.
22. Responsiveness of Applications	22.1	The Procuring Agency may reject any Application which is not responsive to the requirements of the Prequalification Documents. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 21.1, and the Applicant fails to provide satisfactory clarification and/or missing information within prescribed time, it may result in disqualification of the Applicant.
23. Margin of Preference	23.1	Unless otherwise specified in the PDS, a margin of preference shall not apply in the Bidding process resulting from this Prequalification.
24. Subcontractors	24.1	Subcontractors' qualification and experience will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into account the qualification and experience of the Subcontractor) should meet the qualification criteria.
<b><u>Evaluation of Applications and Prequalification of Applicants</u></b>		
25. Evaluation of Applications	25.1	The Procuring Agency shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements, to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Procuring Agency reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract, however subject to the provisions of ITA 27.
	25.2	Subcontractors proposed by the Applicant shall be fully qualified for their parts of the Scope of Supply of the Goods and Allied Services.
	25.3	In case of multiple contracts, Applicants should indicate in their Applications the individual contract or combination of contracts in which they are interested. The Procuring Agency shall prequalify each Applicant for the maximum combination of contracts for which the Applicant has thereby indicated its interest and for which the Applicant meets the appropriate aggregate requirements. The Qualification Criteria and Requirements are mentioned in Section III.
	25.4	Only the qualifications of the Applicant shall be considered. The qualifications of other related entities such as the Applicant's subsidiaries, parent entities,

		affiliates, subcontractors or any other firm(s) different from the Applicant shall not be taken into consideration in determining the qualifications of the Applicant.
26. Procuring Agency's Right to Accept or Reject Applications	26.1	The Procuring Agency reserves the right to accept or reject all the Applications, and to annul the Prequalification process at any time, without thereby incurring any liability to the Applicants.
27. Prequalification of Applicants	27.1	All Applicants whose Applications substantially meet or exceed the specified qualification requirements will be prequalified by the Procuring Agency.
	27.2	An Applicant may be "conditionally prequalified," that is, qualified subject to the Applicant submitting or correcting certain specified nonmaterial documents or deficiencies to the satisfaction of the Procuring Agency.
	27.3	Applicants that are conditionally prequalified will be so informed along with the statement of the condition(s) which must be met to the satisfaction of the Procuring Agency before or at the time of submitting their Bids.
28. Notification of Prequalification	28.1	The Procuring Agency shall notify all Applicants in writing of the names of those Applicants who have been prequalified or conditionally prequalified. In addition, those Applicants who have been disqualified will be informed separately.
	28.2	The procuring agency shall communicate to those suppliers or contractors who have not been pre-qualified the reasons for not pre-qualifying them.
29. Request for Bids	29.1	Promptly after the notification of the results of the Prequalification, the Procuring Agency will invite the Bids from all the Applicants that have been prequalified.
30. Changes in Qualification of Applicants	30.1	Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid shall be subject to the written approval of the Procuring Agency prior to the deadline for submission of Bids. Such approval shall be denied if: <ul style="list-style-type: none"> <li>a) a prequalified Applicant proposes to associate with a disqualified Applicant or in case of a disqualified joint venture, any of its members;</li> <li>b) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section III, Qualification Criteria and Requirements; or</li> <li>c) in the opinion of the Procuring Agency, the change may result in a substantial reduction in competition.</li> </ul>
	30.2	Any such change should be submitted to the Procuring

		Agency before the date of “Invitation to Bids”.
31. Constitution of Grievance Redressal	31.1	Procuring agency shall constitute a Grievance Redressal Committee (GRC) comprising of odd number of person with proper power and authorization to address the complaint. The GRC shall not have any of the members of Procurement Evaluation Committee. The committee must have one subject specialist depending the nature of the procurement.
	31.2	Any party or applicant can file its written complaint against the eligibility parameters or any other terms and conditions prescribed in the prequalification or bidding documents found contrary to provision of Procurement Regulatory Framework, and the same shall be addressed by the GRC well before the application/proposal submission deadline.
	31.3	Any party or applicant can file its written complaint against the eligibility parameters or any other terms and conditions prescribed in the prequalification or bidding documents found contrary to provision of Procurement Regulatory Framework, and the same shall be addressed by the GRC well before the application/proposal submission deadline.
	31.4	In case, the complaint is filed against the technical evaluation report, the GRC shall suspend the procurement proceedings.
	31.5	In case, the complaint is filed after the issuance of the final evaluation report, the complainant cannot raise any objection on technical evaluation of the report:  Provided that the complainant may raise the objection on any part of the final evaluation report in case where single stage one envelop bidding procedure is adopted.
	31.6	The GRC shall investigate and decide upon the complaint within ten days of its receipt.
	31.7	Any bidder or the procuring agency not satisfied with the decision of the GRC may file Appeal before the Appellate Committee of the Public Procurement Regulatory Authority (PPRA) on prescribed format after depositing the fee as prescribed in “Redressal of Grievance Regulations, 2021”.
	31.8	The Committee, upon receipt of the Appeal against the decision of the GRC complete in all respect shall serve notices in writing upon all the parties to Appeal.
	31.9	The committee shall call the record from the concerned procuring agency or the GRC as the case may be, and the

		same shall be provided within prescribed time.
	31.10	The committee may after examination of the relevant record and hearing all the concerned parties, shall decide the complaint within fifteen (15) days of receipt of the Appeal.
	31.11	The decision of the Committee shall be in writing and shall be signed by the Head and each Member of the Committee. The decision of the committee shall be final.
32. Mechanism of Blacklisting	32.1	The Procuring Agency shall bar for not more than the time prescribed in Rule-19 of the Public Procurement Rules, 2004, from participating in their respective procurement proceedings, bidder or contractor who either: <ul style="list-style-type: none"> <li>i. Involved in corrupt and fraudulent practices as defined in Rule-2 of Public Procurement Rules;</li> <li>ii. Fails to perform his contractual obligations; and</li> <li>iii. Fails to abide by the id securing declaration;</li> </ul>
	32.2	The show cause notice shall contain: (a) precise allegation, against the bidder or contractor; (b) the maximum period for which the Procuring Agency proposes to debar the bidder or contractor from participating in any public procurement of the Procuring Agency; and (c) the statement, if needed, about the intention of the Procuring Agency to make a request to the Authority for debarring the bidder or contractor from participating in public procurements of all the procuring agencies.
	32.3	The procuring agency shall give minimum of seven days to the bidder or contractor for submission of written reply of the show cause notice.
	32.4	In case, the bidder or contractor fails to submit written reply within the requisite time, the Procuring Agency may issue notice for personal hearing to the bidder or contractor/ authorize representative of the bidder or contractor and the procuring agency shall decide the matter on the basis of available record and personal hearing, if availed.
	32.5	In case the bidder or contractor submits written reply of the show cause notice, the Procuring Agency may decide to file the matter or direct issuance of a notice to the bidder or contractor for personal hearing.
	32.6	The Procuring Agency shall give minimum of seven days to the bidder or contractor for appearance before the specified officer of the Procuring Agency for personal hearing. The specified officer shall decide the matter on the basis of the available record and personal hearing of the bidder or contractor, if availed



	32.7	The procuring Agency shall decide the matter within fifteen days from the date of personal hearing unless the personal hearing is adjourned to a next date and in such an eventuality, the period of personal hearing shall be reckoned from the last date of personal hearing.
	32.8	The Procuring Agency shall communicate to the bidder or contractor the order of debaring the bidder or contractor from participating in any public procurement with a statement that the bidder or contractor may, within thirty days, prefer a representation against the order before the Authority.
	32.9	Such blacklisting or barring action shall be communicated by the procuring agency to the Authority and respective bidder or bidders in the form of decision containing the grounds for such action. The same shall be publicized by the Authority after examining the record whether the procedure defined in blacklisting and debarment mechanism has been adhered to by the procuring agency.
	32.10	The bidder may file the review petition before the Review Petition Committee Authority within thirty days of communication of such blacklisting or barring action after depositing the prescribed fee and in accordance with "Procedure of filing and disposal of review petition under Rule-19(3) Regulations, 2021". The Committee shall evaluate the case and decide within ninety days of filing of review petition
	32.11	The committee shall serve a notice in writing upon all respondent of the review petition. The notices shall be accompanied by the copies of review petition and all attached documents of the review petition including the decision of the procuring agency. The parties may file written statements along with essential documents in support of their contentions. The Committee may pass such order on the representation may deem fit.
	32.12	The Authority on the basis of decision made by the committee either may debar a bidder or contractor from participating in any public procurement process of all or some of the procuring agencies for such period as the deemed appropriate or acquit the bidder from the allegations. The decision of the Authority shall be final.

## **SECTION II – PREQUALIFIED DATA SHEET (PDS)**

### **General**

ITA 1.1	The identification number of the Invitation for Prequalification is: <i>PRC/PQ-LF/01/2023</i>  The Procuring Agency is:  <i>PAKISTAN REINSURANCE COMPANY LIMITED (PRCL)</i> <i>MINISTRY OF COMMERCE</i> <i>PRC TOWERS,32-A, LALAZAR DRIVE, M.T. KHAN ROAD, KARACHI</i>  The list of contract for services: Legal Services
ITA 2.1	The name of the Procuring Agency is: <i>PAKISTAN REINSURANCE COMPANY LIMITED (PRCL), MoC, Karachi</i>  The name of the Project or Procurement is: <i>“Prequalification of law firms to be enlisted on the panel of PRCL”</i>
ITA 4.2	Maximum number of members in the JV shall be: Nil
ITA 4.7	A list of debarred firms and individuals is available on the PPRA’s website: <a href="http://www.ppra.org.pk">http://www.ppra.org.pk</a>

### **Contents of the Prequalification Document**

ITA 7.1	For clarification purposes, the Procuring Agency’s address is:  Attention:  Mr. Muhammad Asif Ghafoor Procurement Specialist Address:12 <sup>th</sup> Floor, PRC Towers, 32-A, Lalazar Drive, M.T. Khan Road City: Karachi ZIP Code: 75600 Country: Pakistan Telephone: 021-99210152 Electronic mail address: <a href="mailto:aghafoor@pakre.org.pk">aghafoor@pakre.org.pk</a>
ITA 7.1 & 8.2	Web page: <a href="http://www.pakre.org.pk">www.pakre.org.pk</a> & <a href="http://www.ppra.org.pk">www.ppra.org.pk</a>
ITA 7.2	Pre-Application/Bid Meeting will be held: N/A

### **Preparation of Applications**

ITA 10.1	This Prequalification document has been issued in the “English”
ITA 11.1 (d)	<b>The Applicant shall submit with its Application, with requirements mentioned in Technical Evaluation Criteria, Form Eligibility-1, and form performance-1.</b>

ITA 14.2	The source(s) for determining exchange rates is: <a href="https://www.nbp.com.pk/RateSheet/index.aspx">https://www.nbp.com.pk/RateSheet/index.aspx</a> <a href="http://State Bank of Pakistan (sbp.org.pk)">State Bank of Pakistan (sbp.org.pk)</a>
ITA 15.2	In addition to the original, the number of copies to be submitted with the Application is: N/A
<b><u>Submission of Application</u></b>	
ITA 17.1	The deadline for Application submission is: Date: 06-06-2023 Time: 11:00am For Application submission purposes only, the Procuring Agency's address is: Procuring Agency's address is the same as that indicated in 1.1  Attention: Muhammad Asif Ghafoor (Procurement Specialist) Address: Procurement Department, 12 <sup>th</sup> Floor, PRC Towers, Lalazar Drive, M.T. Khan Road City: Karachi ZIP Code: 75600 Country: Pakistan Telephone: 021-99210152 Electronic mail address: <a href="mailto:aghafoor@pakre.org.pk">aghafoor@pakre.org.pk</a>  Applicants shall not have the option of submitting their Applications electronically
ITA 19.1	The opening of the Applications shall be at 11:30am on 06-06-2023 at the following address:  <i>Admin Department, 12<sup>TH</sup> Floor, PRC Towers, Lalazar Drive, M.T. Khan Road, Karachi</i>
<b><u>Procedures for Evaluation of Applications</u></b>	
ITA 23.1	A margin of domestic preference shall not apply
ITA 31.1	If an Applicant wishes to make a Prequalification related Complaint, the Applicant should submit its complaint, in writing (by the quickest means available, that is either by email or fax), to:  Attention: Procurement Specialist Address: 12 <sup>th</sup> Floor, PRC Towers, Lalazar Drive, M.T. Khan Road City: Karachi ZIP Code: 75600 Country: Pakistan Telephone: 021-99210152 Electronic mail address: <a href="mailto:aghafoor@pakre.org.pk">aghafoor@pakre.org.pk</a>

	<p>In summary, at this stage, a Prequalification related Complaint may challenge any of the following:</p>
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	<p>The terms of the Prequalification Documents; and the Procuring Agency's decision not to prequalify an Applicant.</p>
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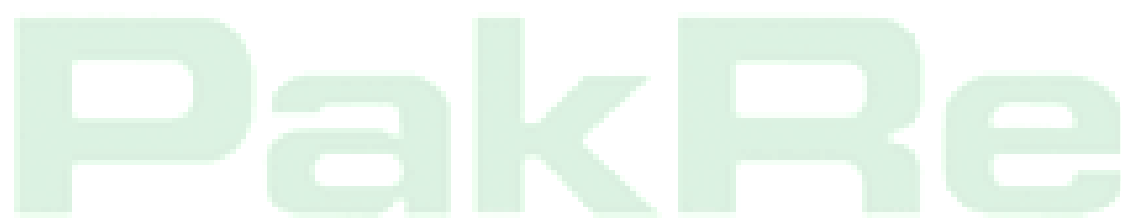


### **SECTION III – QUALIFICATION CRITERIA**

The legal firms have been categorized into three groups based on the type of cases, the amount of money involved, and the fee limit. These categories are as follows:

- A. **Low Profile Cases** include District Court, National Industrial Relations Commission (NIRC), Labor Court, and Tribunals with an amount involved of less than 5 million
- B. **Medium Profile Cases** include District Court, National Industrial Relations Commission (NIRC), Labor Court, and Tribunals with an amount being involved is greater than 5 million but less than 30 million
- C. **Important/ High Profile Cases** include High Court, tax forum, and Supreme Court of Pakistan with an amount being involved greater than 30 million

Furthermore, the Technical Evaluation Criteria has also been devised in accordance with the aforementioned categories.

The logo for PakRe features a stylized green graphic above the text 'PakRe'. The graphic consists of a large, flowing, light green shape that resembles a stylized 'P' or a calligraphic element, with a vertical line extending downwards from its right side. Below this graphic, the word 'PakRe' is written in a bold, green, sans-serif font. A thick, horizontal green bar is positioned directly beneath the text.

### **Technical Evaluation Criteria**

**A. Low Profile Cases** include District Court, National Industrial Relations Commission (NIRC), Labor Court, and Tribunals with an amount involved of less than 5 million and fee limit is up-to PKR 200,000/-

<b>Sr. No.</b>	<b>Technical Criteria</b>	<b>Means of Verification</b>	<b>Compliance (Yes/No)</b>
1.	The Law Firm must be an active taxpayer on FBR	FBR Active Status	
2.	The Law Firm must not be blacklisted any of the Government or Semi-Government organization	Affidavit	
3.	At least one (01) partner of Law firm must have LLB degree and valid license for practice.	Degree from HEC registration certificate	
4.	The complete income tax annual returns of last two financial years	Relevant Documentary Proof from FBR	
5.	The firm/partner must have 03 years' experience pertaining to Tax, Insurance/Reinsurance/ Finance or misc. corporate matters	List of Cases/ Relevant Documentary Proof	

**B. Medium Profile Cases** include District Court, National Industrial Relations Commission (NIRC), Labor Court, and Tribunals with an amount being involved is greater than 5 million but less than 30 million and fee limit is from PKR 200,000/- to PKR 500,000/-

- Those matters, where financial impact of matter being pleaded is undetermined or cannot be determined, will automatically fall in this category. However, the cases can be placed in category of high-profile cases with the approval of the competent authority.

<b>Sr. No.</b>	<b>Technical Criteria</b>	<b>Means of Verification</b>	<b>Compliance (Yes/No)</b>
1.	The Law Firm must be an active taxpayer on FBR	FBR Active Status	
2.	The Law Firm must not be blacklisted any of the Government or Semi-Government organization	Affidavit	
3.	At least one (01) partner of Law firm must have LLB degree and valid license for practice.	Degree from HEC registration certificate	
4.	The complete income tax annual returns of last two financial years	Relevant Documentary Proof from FBR	
5.	The firm/partner must have 04 years' experience pertaining to Tax, Insurance/Reinsurance/ Finance or misc. corporate matters	List of Cases/ Relevant Documentary Proof	

**C. Important/ High Profile Cases** include High Court, tax forum, and Supreme Court of Pakistan with an amount being involved greater than 30 million

- The fee/fee limit will be decided as per sanctioning powers of CEO/Procurement Committee of Board/Board of PRCL.

<b>Sr. No.</b>	<b>Technical Criteria</b>	<b>Means of Verification</b>	<b>Compliance (Yes/No)</b>
1.	The Law Firm must be an active taxpayer on FBR	FBR Active Status	
2.	The Law Firm must not be blacklisted any of the Government or Semi-Government organization	Affidavit	
3.	At least one (01) partner of Law firm must have LLB degree and valid license for practice.	Degree from HEC registration certificate	
4.	The complete income tax annual returns of last two financial years	Relevant Documentary Proof from FBR	
5.	The firm/partner must have 05 years' experience pertaining to Tax, Insurance/Reinsurance/ Finance or misc. corporate matters	List of Cases/ Relevant Documentary Proof	



## **SECTION IV - APPLICATION FORMS**

### **Application Submission Letter**

Date: May \_\_\_\_\_, 2023  
IFP No.: PRCL/PQ-LF/01/2023  
Title: Prequalification of Law Firms to be enlisted on the Panel of PRCL

To:  
The Chief Executive Officer,  
Pakistan Reinsurance Company Limited,  
Karachi

We, the undersigned, apply to be prequalified for the referenced IFP and declare that:

- (a) No reservations: We have examined and have no reservations to the Prequalification Document, including Addendum(s) No(s), issued in accordance with Instructions to Applicants (ITA) 8: [insert the number and issuing date of each addendum].
- (b) No conflict of interest: We have no conflict of interest in accordance with ITA 4.6;
- (c) Eligibility: We (and our subcontractors) meet the eligibility requirements as stated ITA 4.1, we have not been suspended by the Procuring Agency based on execution of a Bid/Proposal Securing Declaration in accordance with ITA 4.9;
- (d) State-owned enterprise or institution: [select the appropriate option and delete the other] [We are not a state-owned enterprise or institution] / [We are a state-owned enterprise or institution];
- (e) Not bound to accept: We understand that you may cancel the Prequalification process at any time without incurring any liability to the Applicants, in accordance with ITA 26.1. Only suppliers or contractors who have been pre-qualified shall be entitled to participate further in the procurement proceedings
- (f) True and correct: All information, statements and description contained in the Application are in all respect true, correct and complete to the best of our knowledge and belief.

Signed: [insert signature(s) of an authorized representative(s) of the Applicant]

Name: [insert full name of person signing the Application]

In the capacity of: [insert capacity of person signing the Application]

Duly authorized to sign the Application for and on behalf of: [insert full name of the Applicant or the name of the JV]

Address: [insert street number/town or city/country address]

Dated: [insert date the document is signed i.e. day number] day of [insert month], [insert year]

**Form Eligibility - 1**  
Applicant Information Form

Date: May \_\_\_\_\_, 2023  
IFP No.: PRCL/PQ-LF/01/2023  
Title: Prequalification of Law Firms to be enlisted on the Panel of PRCL

Applicant's name along with nationality [insert full name]
In case of Joint Venture (JV), name of each member along with nationality: [insert full name of each member in JV] – N/A
Applicant's actual or intended country of registration: [indicate country of Constitution]
Applicant's actual or intended year of incorporation: [indicate year of Constitution]
Applicant's legal address [in country of registration]: [insert street/ number/ town or city/ country]
Applicant's authorized representative information Name: [insert full name] Address: [insert street/ number/ town or city/ country] Telephone/Fax numbers: [insert telephone/fax numbers, including country and city codes] E-mail address: [indicate e-mail address]

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Form ELIGIBILITY - 1 (continued)  
Applicant Information Form

Date: May \_\_\_\_\_, 2023  
IFP No.: PRCL/PQ-LF/01/2023  
Title: Prequalification of Law Firms to be enlisted on the Panel of PRCL

1	Law Firm Name	
2	Address	
3	Mailing Address	
4	Telephone Number	
5	Email Address	
6	Contact Name	
7	Experience in Years	
8	Established Date & Year	

### **Form Performance - 1**

Historical Contract Non-Performance, and Pending Litigation and Litigation History [The following table shall be filled in for the Applicant and for each member of a Joint Venture]

Applicant's Name: [insert full name]

Date: May \_\_\_\_\_, 2023

IFP No.: PRCL/PQ-LF/01/2023

Title: Prequalification of Law Firms to be enlisted on the Panel of PRCL

<b>Details of Advisory Services Performed in the Past</b>		
<b>Year</b>	<b>Name of Firm (to whom the services provided)</b>	<b>Details of Services</b>

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## **SECTION V - ELIGIBLE COUNTRIES**

### **ELIGIBILITY FOR THE PROVISION OF SERVICES**

In reference to ITA 5.1, for the information of the Applicants, at the present time, firms and individuals, supply of goods and Related Services from the following countries are excluded from this Prequalification process:

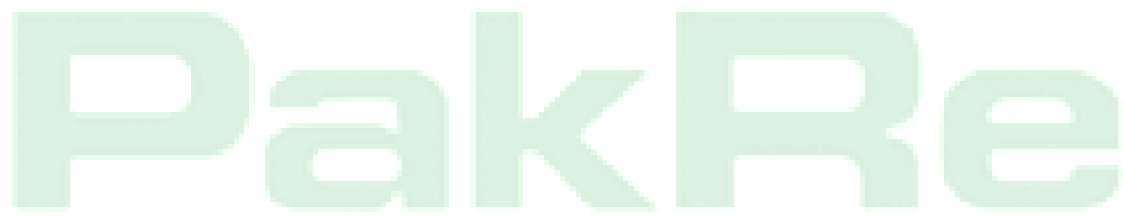
All the bidders are allowed to participate in the subject procurement without regard to nationality, except bidders of some nationality, prohibited in accordance with policy of the Federal Government.

Following countries are ineligible to participate in the procurement process:

1. India
2. Israel

Ministry of Interior, Government of Pakistan has notified List of Business-Friendly Countries (BVL), information can be accessed through following link:


<http://www.dgip.gov.pk/Files/Visa%20Categories.aspx#L>

The logo for PakRe features the word "PakRe" in a large, bold, light green font. Above the text is a stylized graphic of a green leaf or flame shape. Below the text is a thick, horizontal green bar.

## **SECTION VI – TERMS OF REFERENCE**

- ❖ The law firm enlisted on the panel of Pakistan Reinsurance Company Limited is required to represent the company in various legal matters, including but not limited to tax matters, insurance/reinsurance matters, finance matters, and miscellaneous corporate matters.
- ❖ The law firm shall provide legal services to the insurance firm as and when needed basis.
- ❖ The law firm shall maintain confidentiality of all information provided by the insurance firm.
- ❖ The law firm shall adhere to all applicable laws, regulations, and ethical standards.
- ❖ The PRCL reserves the right to terminate the enlistment of the law firm on its panel if the law firm fails to comply with the terms and conditions or provides substandard legal services.
- ❖ The law firm shall provide regular reports to the company on the progress of legal matters assigned to them. The reports shall include the status of the matter, the work completed, and any issues or challenges faced by the law firm.
- ❖ The law firm shall disclose any potential or actual conflicts of interest that may arise in the course of providing legal services to the company. The law firm shall take appropriate steps to avoid any such conflicts and shall notify the insurance firm in writing if any such conflicts arise.
- ❖ The law firm shall ensure that all intellectual property rights related to the legal services provided to the company are owned by the company or its affiliates. The law firm shall not use any confidential information or intellectual property rights of the company for any purpose other than the provision of legal services to the company.
- ❖ The law firm shall indemnify and hold harmless the company, its officers, directors, employees, and agents from any and all claims, damages, liabilities, costs, and expenses arising out of or in connection with the provision of legal services by the law firm, including any claims arising from the law firm's negligence, gross negligence, or willful misconduct.

- ❖ The PRCL reserves the right to terminate the enlistment of the law firm on its panel at any time without cause by providing a written notice to the law firm. The law firm shall also have the right to terminate its enlistment on the panel by providing a written notice to the company.
- ❖ The company reserves the right to amend these terms and conditions at any time by providing a written notice to the law firm. The law firm shall be bound by the amended terms and conditions from the date of receipt of the notice.

The logo for PakRe features a stylized Urdu word 'پاکری' (Pakri) in a light green color, positioned above the word 'PakRe' in a bold, sans-serif font. A thick, light green horizontal line is located below the text.

**PakRe**