

Request for Proposal

Hiring of Legal Advisor and Practitioners for WSSP to Plead Cases in High / Supreme courts of Pakistan

July 2024

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WATER AND SANITATION SERVICES PESHAWAR
Local Government Complex, Khyber Pakhtunkhwa.
Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad,
Phone#: 091-9219098, Ext: 121.

Invitation to Bidder

Hiring of Legal Advisor and Practitioners for WSSP to Plead Cases in High / Supreme courts of Pakistan.

WSSP is a public Sector Company registered with the securities and exchange commission of Pakistan (SECP) for provision of Water and Sanitation Services in Peshawar. WSSP is soliciting technical and financial proposals under single stage, two envelop method of KPPRA Rules 2014 for **“Hiring of Legal Advisor and Practitioners for WSSP to plead Cases in High / Supreme courts of Pakistan”** in order to plead all cases pertaining to WSSP in Supreme / High court with similar arrangements for other similar Courts / Tribunals etc. on equivalency basis.

1. The interested legal advisors and practitioners having minimum qualification of LLB, holding valid license from the Pakistan Bar council to practice as an advocate / practitioner in the high / supreme courts and having minimum experience of 8 years practicing as legal practitioner are eligible to apply. Such candidate may submit a comprehensive technical proposal and financial proposal in separate sealed envelopes further sealed in one large envelop for the services required under the terms of references (TORs) latest by **Thursday 01th August 2024 till 2:30 pm** which will be opened on same day at 3:00 pm.
2. The Pre bid meeting will be held at WSSP head office **on 25th July 2024 at 3:00 pm in WSSP head office** as per below mentioned addressed.
3. The Request for Proposal and TORs and can be obtained, immediately after publishing of advertisement in newspaper up to closing date from the office of the undersigned on any working day or may also be downloaded from WSSP website (<https://wsspeshawar.org.pk>).
4. The proposals must be stamped and signed by an authorized person. All federal and provincial duties, taxes, stamp duty including KPRA taxes etc. will be recoverable as per directives of the government issued from time to time.
5. Any disfiguring / over writing, manipulation in the tender shall be liable to rejection.
6. Incomplete / conditional and late submitted proposals shall not be acceptable.
7. The bidders are requested to register themself on WSSP website vide URL address: <https://wsspeshawar.org.pk/serv/vendor-registration-from> and with KPRA.
8. The Competent Authority reserves the right to reject anyone or all the proposals. The reason for rejection will be communicated upon request.

1 ABOUT WSSP (THE COMPANY)

The government of Khyber Pakhtunkhwa established the Water and Sanitation Services Peshawar (WSSP), an urban utility in Peshawar as a public limited company, registered with the securities and exchange commission of Pakistan (SECP), under the companies Ordinance, 1984 for efficient delivery of water and sanitation services to the public in 45 urban Union Councils of Peshawar in the territorial jurisdiction of Municipal Corporation Peshawar. It is the first water and sanitation company in Pakistan with integrated approach for delivery of water, sanitation and solid waste management services in the urban areas under a corporate structure.

2 OVERVIEWS OF THE PROPOSAL

Through this request for proposal WSSP invites proposals from licensed/registered individual Lawyer / practitioner or firms having minimum required qualification and experience as mentioned in NIT to provide professional legal services to the Company as per TORs mentioned below (hereinafter referred to as **“the RFP”**)

The WSSP will appoint legal practitioners / lawyers / advocates in order to plead all cases pertaining to **Supreme / High court of Pakistan. He will also act as legal advisor of the Company, as per Company Act and requirements** with similar arrangements for other Courts / tribunals etc. on equivalency basis on fixed monthly remuneration as per rate quoted in Bill of Quantities of this RFP. The allotment of case / wakalatnama will be granted as per recommendations and approval of the competent authority.

The performance of lawyer will be evaluated on annual basis, for further continuation of contract / services.

3. INSTRUCTIONS TO APPLICANTS / BIDDERS

- a. All proposals must be delivered to the office of the Procurement Entity (i-e WSSP) on or before closing date and time mentioned in NIT.
- b. If the day of submission/opening of the bids is declared as a holiday, the bids will be opened on the next working day at the same time. The Procurement Entity shall use **“Least Cost Based Selection method” under “single stage two envelope method”** for selection of the legal practitioner under KPPRA Rules, 2014.
- c. The technical proposals will be publicly opened as per date and time mentioned in NIT in the conference room of WSSP by the Bid preparation and evaluation committee.

- d. Proposals received after the due time will not be accepted and returned to the applicants un-opened. However, for opening of financial proposals, the date time and venue will be communicated separately.
- e. The proposals must be prepared in English language, supported with all relevant evidences and documents. The applicant must provide complete genuine information along with copies of all relevant supporting documents.
- f. Any false information / fake evidences (if provided) shall render the proposal non-responsive and may lead to legal action against the individual.
- g. The proposals should be submitted in sealed envelopes containing technical proposal and financial proposal separately. Which must be further sealed in one large Envelop marked separately as **“Technical Proposal”** and **“Financial Proposal”**.
- h. The submitted proposals must be duly signed and stamped by the / applicant.
- i. The technical proposal will be opened on the same day (i-e last date of submission).
- j. After the technical evaluation of all the participating individuals is completed (which include interview as well) then the financial proposals of the technically qualified individuals / firms will be opened on the date and time to be communicated via email in the presence of all participating individuals. For this purpose, valid email address & Cell no shall be provided by the participants.
- k. The Financial Proposals shall be opened publicly in the presence of the Applicant or his representatives who choose to attend the bid opening meeting. The name of the applicants and the obtained technical scores of the applicants shall be read aloud. The Financial Proposal of the applicants who meet the minimum qualifying criteria shall be opened, and the total prices read aloud and recorded whereas the financial proposal of technically non-qualified applicant will be returned un-opened / un -announced.
- l. The evaluation committee will correct any computational errors (if any) in submitted financial proposal only. When correcting computational errors, in case of discrepancy between word and figures the former will prevail.
- m. The applicant’s proposal shall remain valid for 120 days after the submission date, if the need arises the procurement entity may request the applicant to extend the validity period of their proposals.
- n. The proposal is to be submitted preferably through courier services to the WSSP office or before closing date and time. Late submitted bids shall not be accepted.

Manager Procurement, WSSP.

4. TERMS OF REFERENCE (ToR's)

The Successful individual / lawyer will be required to perform, *inter alia*, the following legal services as requested by the Company and in their respective courts.

a. Lawyer / Legal Practitioner of WSSP.

- 1) Plead and defend lawsuits, court cases or any other claims at respective law forums i-e (Supreme court, High court) or any other courts on equivalency basis.
- 2) Attend and participate in meetings about and/or with entities having legal business with the Company, when required by the Company.
- 3) Conduct and render legal services to the company as and when required including cases of Civil and Criminal nature, Labor Laws, Service Matters/ Service Rules, Income Tax Cases, Revenue, Property related cases and other miscellaneous cases etc.
- 4) Personally follow cases / represent WSSP in courts. Representation in court will not be relegated to other junior lawyers.
- 5) Conduct litigation as and when required.
- 6) The successful bidder will be required to register himself with KPRA, if already not registered before award of contract
- 7) The contract initially shall be awarded for the period of one Year which will be extended based on performance and approval of the competent forum / authority.
- 8) Follow reporting mechanism as elaborated in para 9 of RFP.
- 9) Draft and submit para wise reply in court cases.
- 10) Responsible for completeness of all date and documents to be submitted in relevant court of law.
- 11) Any other relevant task as assigned by the Chief Executive Office, WSSP.

b. As Legal Advisor of the Firm

Beside above the individual shall perform the following functions as the legal advisor of the Company: -

- 1) Review, draft and negotiate contracts, request for proposals, expression of interests as and when required by the company.
- 2) 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.
- 3) Advise on all potential corporate, regulatory and other legal Service matters, issues of public & Private sector organization.
- 4) on individual labor and employment matters.
- 5) Advise Review personal, fiscal, and other policies as well as per corporate by-laws;

- 6) Attend Board of Directors and Committees meetings as necessary;
- 7) Advise on Government grant and contract issues;
- 8) Advise on matters related to intellectual property rights;
- 9) Advise on response to subpoenas, court orders and request for information from third parties;
- 10) Attendance and participation at meetings about and/or with entities having legal business with the Company, when required by the Company;
- 11) The contract initially shall be awarded for the period of one Year which will be extended based on performance and approval of the competent forum / authority.
- 12) Any other relevant task as assigned by the Chief Executive Office, WSSP as legal advisor of the Company.

5. PROPOSAL CONTENTS

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

a. Qualification;

- 1) The offeror must possess Minimum qualification of Bachelor of Law (LLB).
- 2) Higher qualification will be preferred.
- 3) Valid licenses to practice in High court and Supreme court of Pakistan.
- 4) Minimum experience of Eight years after valid license.

b. Legal Experience: (to be submitted in below format)

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 formed (under Section 42). Experience should include the following:

- 1) General Experience of the offeror including experience in the areas of commercial and corporate law, labor, 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.
- 2) Experience of pleading cases pertaining to Service matters. Government service rules, matters pertaining to industrial relationship Act.
- 3) Experience of pleading cases in similar public entities and its programs and government-funded services;
- 4) Experience of pleading cases on Procurement related contracts (for both local and international clients).

- 5) Experience of dealing in Revenue matter, fee collection, tariff, taxation and billing matters.
- 6) Experience of pleading cases pertaining to Municipal services and public services.
- 7) Experience as legal advisor of public sector organization, Nonprofit organizations or corporate companies on all above relevant matters.

C. Required Documents

1) The offeror should provide a detailed and updated Curriculum vitae (CV) / resume covering minimum following information: -

- a) Name, address, CNIC No, Cell No, email address, latest picture
- b) All educational qualification starting from matric to highest qualification.
- c) Professional licenses with date of issuance and other certifications.
- d) Legal experience in the areas mentioned at para 5(b) as per the format provided in below table.

e) Sample format for Legal Experience with evidences.

S.No	Year	Court	Case No	Nature of the Case *	Decision in Favour / against
(1)	2017	PHC	WP-XYZ	Service Matter	Against
(2)	2019	SCP	COC-XXX	Revenue matter	Favour

**Mention those cases which falls in the above required experience. Attached wakalatnama for each case serial wise.*

- 2) Attested copies of NTN, CNIC and KPRA Registration.
- 3) Attested copies of all educational documents and valid licenses / registration from Bar council to work as advocate.
- 4) Experience certificate of being legal advisor of the Company, mentioning duration in tabulated format.
- 5) Experience certificate of being on panel of councils for public and private organization, mentioning duration.
- 6) An 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 national/ international organization.
- 7) List of staff available to assist court matters provide (Name, qualification and experience) in tabulated form.
- 8) A certificate from previous client (public / private sector company) for timely disposal of matters pertaining to legal opinion.

6. Billing Rates and Payment Structure:

- a. The rate quoted in financial bid by the candidate / offeror for services shall be paid as remuneration for the services on monthly basis. The quoted rate should be inclusive of all taxes and other relevant charges.

- b. No TA/ DA will be paid for attending courts in Peshawar or visiting WSSP office for case preparation or discussion of legal matters.
- c. TA/DA will be paid as per eligibility of M4 cadre employees of WSSP for each hearing in courts outside Peshawar.
- d. The court stamp fee, duties, stationary charges and advertisement charges etc. (if any) would be paid as per actual by WSSP, for which receipt will be provided.
- e. For those cases pertaining to Supreme court of Pakistan AOR charges will be paid as per actual.

7. Other documents/information to be provided:

- a. A covering letter briefly describing the lawyer / firm.
- b. A minimum of three references from clients, for whom the lawyer / firm has provided similar work within the eight five years.
- c. Any other documentation deemed necessary for submission by the offeror.

8. Payment to be made by WSSP:

The Monthly payment shall be paid upon submission of duly signed bills to HR/Admin section of WSSP before 5th of each month. The payment in shape off cross cheque after deduction of applicable taxes will be paid in the name of offeror.

9. Reporting Mechanism;

- a. The legal practitioners / advisor will report to WSSP HR/ Admin Section.
- b. The Legal advisor / practitioner shall be in close co-ordination with WSSP appointed representative / (AM Legal etc.) and with Company Secretary.
- c. The performance of legal practitioner and bills verification before payment shall be monitored by (HR/Admin) department of WSSP.
- d. Annual evaluation report of the legal advisor / Advocate (appointed) shall be prepared and will be presented to company management for further decision by CEO WSSP.
- e. Hired lawyer will be required to submit monthly progress report as per WSSP format covering all cases along with monthly bill.

10. Schedule For Procurement Activities.

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 etc, is delayed, the rest of the schedule will be shifted by the same number of days. The approximate schedule is as follows:

S#	Activity	Dates	REMARKS
1.	RFP Issuance Date	28 th June 2024	Download from WSSP Website
2.	Pre-Bid meeting	25 th July 2024 at 3:00 pm	WSSP Conference Room, Phase 7, Hayatabad. Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad
3.	Proposal Submission Deadline	01 th August 2024 up to 2:30 pm	WSSP Conference Room, Phase 7, Hayatabad Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad
4.	Opening of Technical Proposals	01 th August 2024 at 3:00 pm	WSSP Conference Room, Phase 7, Hayatabad Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad
5.	Interview / Presentation	Manager Procurement will communicate date, time and location via email and cell Phone to qualified candidates only.	
6.	Opening of Financial Proposals	Manager Procurement will communicate date & time for financial opening to participating bidders via email. The Financial Bids of technically un-qualified bidder shall be returned un-opened.	WSSP Conference Room, Phase 7, Hayatabad Plot # 33, Street No. 13, Sector E-8, Phase-VII, Hayatabad

11 EVALUATION CRITERIA

The submitted technical proposals will be evaluated on the basis of Scoring Criteria as provided below. Financial proposals would be opened only for those Bidders obtaining 70% or higher marks in Technical Evaluation.

The Financial proposals of those bidders obtaining less than 70% marks in Technical Evaluation shall remain un-opened & would be returned to the Bidders on the day of financial opening. An evaluation committee appointed by the Company or the Bid Preparation Evaluation Committee will evaluate the technical proposals on the basis of their compliance with the RFP by the point system as specified below.

a. 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.

S#	Mandatory Eligibility Criteria	Yes	No
1.	Minimum qualification LLB.	<input type="checkbox"/>	<input type="checkbox"/>
2.	Proof of Certificate of Incorporation or Registration or equivalent licenses (in case of Firm)	<input type="checkbox"/>	<input type="checkbox"/>
3.	NTN / KPRA Registration <i>(in case KPRA Registration is not available attached affidavit that if declared as successful bidder the applicant shall registered himself with KPRA).</i>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Relevant and valid Bar council Licence i-e (High and Supreme court)	<input type="checkbox"/>	<input type="checkbox"/>
5.	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 national/ international organization.	<input type="checkbox"/>	<input type="checkbox"/>
6.	The applicant must have experience of being legal advisor to public and private organization for minimum 3 years.	<input type="checkbox"/>	<input type="checkbox"/>
7.	Minimum Eight Years experience (Post licence experience)	<input type="checkbox"/>	<input type="checkbox"/>

(Tick the relevant box and attached relevant and valid proof)

b. Technical Evaluation Criteria (Scoring Criteria).

S#	Technical Evaluation	Max Marks
1.	Basic Qualification is LLB and any additional qualification carries 05 Marks.	05
2.	General Experiences of the Individual from the Date of obtaining license practicing in high court 0.5 marks per year up to maximum of 20 years. (Relevant Documents to be Provided)	10
3.	Experience of pleading relevant cases in relevant court of his category. 0.5 marks per case up to maximum to 60 cases (30 marks) (Relevant Documents to be Provided)	30
4.	Relevant Supporting staff to assist in court matter. Per Person 2.5 Marks.	05
5.	Performance Certificate as legal advisor from Clients of public / private sector organizations or in Similar Service companies. 01 Marks Per Year up to maximum of 10 years (Performance certificate from the Client to be provided)	10
6.	Performance Certificate as advocate / counsel or on panel of counsel from Clients of public / private sector organizations or in Similar Service companies. 01 Marks Per Year up to maximum of 10 years (Performance certificate from the Client to be provided)	10
7.	A certificate from the client (Public and private sector Company) for timely disposal of cases pertaining to legal opinion.	05
8.	Presentation / Interview of the Candidate	25
	Total Score	100

C. Selection / qualification CRITERIA

Following is the selection criteria;

- a. Candidates not qualifying the criteria as per Section 11(a) will not be considered.
- b. Candidates obtaining 60% score in 11(b) **(excluding interview)** will be called for interview.
- c. The minimum passing score is 70% for technical qualification as per 11(b) including interview marks.
- d. Among the technically qualified bidders / participants least cost selection will be done in each category.

12 Final Section / Award of Contract

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

Proposal	Weight
Technical Proposal	Minimum Qualification percentage 70%
Financial Proposal	Least Cost

13 BILL OF QUANTITIES (Financial Proposal)

FINANCIAL SHEET to be filled and sealed in Separate Envelop marked with bold and legitimate word “**Financial Proposal**”.

A. To Be filled by candidate applying for Supreme / High Court of Pakistan.

S. No	Detail of the Services	Offered Rate is Rs.
1	Monthly charges / Fee / Remuneration for pleading cases including all charges for Supreme / High courts and equivalent Courts of Pakistan.	
2	Monthly Remuneration as Legal Advisor of the Company.	
	Total in words:	

All Govt. taxes included (Federal, Provisional) Income tax / KPRA taxes as enforced by the Govt. shall be applicable and will be deducted from monthly bills.

Authorized Signature
Stamp

14. STANDARD INSTRUCTIONS

- a. Proposals shall be submitted in English language.
- b. The submitted proposals shall be comprehensive, clear and elaborate. The proposal must include all the relevant evidences as required or deemed necessary by the applicant. The proposal shall be prepared without any overwriting.
- c. The costs of preparing the proposal and any subsequent visits for discussion with the company or attending pre bidding meetings / interviews etc. are not reimbursable.
- d. All documents submitted should be duly stamped and signed.
- e. Proposals must be delivered at the address given below on or before the closing date. Proposal revived after closing date shall not be accepted.
- f. Proposal shall preferable be submitted through courier services.
- g. The Interested candidate may request for clarification of any provisions / clause of this RFP in pre bid meeting which is schedule to be held on 25th July 2024 at WSSP Conference Room at 3:00 pm.
- h. The Company reserves the right to accept or reject any or all of the proposals submitted at any time with cogent reasons as per KPPRA Rules 2014.

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Phone: 091-9219098.

Disclaimer

Though adequate care has been taken while preparing this document and information provided therein, but it is advised that the bidder must satisfy him/herself for the corrections and sufficiency of the Data. Information on any discrepancy should be intimated to this office immediately. If no information is received from any of the bidders within the time of submission date, it shall be presumed that this document is correct and complete in all respect. Water & Sanitation Services Peshawar (WSSP) reserves the rights to modify, amend or supplement this document, if considered necessary in the best interest of public / work /WSSP.