



## **TERMS OF REFERENCE FOR ENLISTMENT of LAW FIRMS**

### **Request for Quotes for Legal Services**

#### **BACKGROUND**

SAARC Development Fund was established by the heads of the eight SAARC Member States in April 2010 with the aim to:

- a) Promote the welfare of the people of SAARC region,
- b) Improve their quality of life, and
- c) Accelerate economic growth, social progress and poverty alleviation in the region.

The Fund serves as the umbrella financial institution for SAARC projects and programs which are in fulfillment of the objectives of the SSARC Charter. It is aimed to contribute to regional cooperation and integration through project funding and collaboration

#### **SUMMARY**

SAARC Development Fund (SDF) requests quotes from law firms to provide various legal services.

#### **SERVICES REQUIRED**

- A. Provide advice on different legal issues and assist in drafting legal opinions, memoranda and other legal documents
- B. Review and/or draft contracts
- C. Review legal aspect of SDF project lending/funding/financing under Social, Economic and Infrastructure Windows
- D. Draw up formalities regarding the settlement of disputes and monitor the implementation of the legal clauses
- E. Represent SDF in litigation, as requested
- F. Draft and/or review policies and procedures
- G. Provide advice on land acquisition and real estate matters
- H. Title search / search relating to encumbrance, title clearance report etc. of the property
- I. Valuation report of the property
- J. Provide such other legal services as may be requested by SDF from time to time

## **PROPOSAL CONTENTS**

Any firm responding to this RFQ must submit its quote via email. Responses must be sent to the following:

### **Dr. Sunil Motiwal**

Chief Executive Officer

SAARC Development Fund

Email: [info@sdfsec.org](mailto:info@sdfsec.org)

A specific outline must be followed in order to facilitate SDF's review and evaluation of the responses received. A response to this RFQ must include the following sections in the order listed:

1. Transmittal Letter
2. Executive Summary
3. Firm's Expressed Understanding of the Services Required
4. Firm's Responses to the Questions set forth below

## **RFO QUESTIONS**

### **A. Background:**

1. Briefly describe your firm's background, size, and history pertinent to the requested services in this RFQ.
2. Describe the qualifications and experience of firm's Partners/Attorneys/solicitors/Advocates

#### **Advocates/attorneys/counsels qualifications:**

For the Appellate Division, the firm's Partners/Attorneys/solicitors/Advocates must have requisite permission to conduct cases before the Appellate Division. For the High Court Division, the firm's Partners/Attorneys/solicitors/Advocates should have minimum 7 years practice in the High Court Division. For the District Courts/Criminal Court/Labour Court/Tribunal, should have minimum 10 years practice experience.

3. Describe the relevant special services your firm provides, particularly those that may not be offered by other law firms.
4. Has your firm or an attorney in your firm ever been disciplined or censured by any regulatory body? If so, describe the principal facts.
5. Describe your firm's history representing Corporate/non-profit and/or government clients.
6. Are there any potential conflict of interest issues for your firm in servicing SDF? If so, describe them.
7. Within the last five years, has your firm, or a partner or attorney in your firm, been involved in litigation or other legal proceedings relating to the provision of legal

services? If so, provide an explanation and indicate the current status or disposition of the proceedings.

8. List any professional or personal relationships your firm's attorneys may have with the staff members of SDF.
9. Please describe your firm's computer and internet facilities.
10. List all attorneys you would expect to render legal services to SDF if your firm is engaged to serve as outside counsel and the area(s) of specialization of each. Describe the role of each attorney who would be assigned to SDF.
11. Please describe your firm's backup procedures in the event one or more attorneys assigned to SDF leave the firm. Identify the key attorney who will be the primary contact and lead counsel in providing services to SDF, whose continuing status as such is an essential element of any contract.

**B. References:**

Provide three client references for whom your firm has performed work similar to that requested in this RFQ.

**C. Fees:**

Describe in detail the billing rates, practices, and policies of your firm that would apply if your firm were engaged to serve as SDF's outside counsel.

**D. Other Information:**

Describe any other processes, and provide any additional information, that you believe to be relevant to this and your capability to provide the services requested.

**OTHER TERMS AND CONDITIONS FOR ENLISTMENT**

- (a) Firm(s) should agree to abide by the SDF's terms and conditions.
- (b) The concerned firm(s) will be informed in writing of enlistment and the terms and conditions of enlistment.
- (c) It shall be made clear to the firm(s) that approval in SDF's panel does not amount to an appointment or right for an appointment and SDF is free to engage any firm of its choice and the enlisted firm cannot claim to be entrusted with SDF's work.
- (d) The firm(s) should undertake not to appear against the SDF and they do not support the litigation which is detrimental to SDF's interest.
- (e) It shall be made clear that under no circumstances they should use any legend

containing SDF's name or symbol in letter heads, signboards, name plates etc.

(f) The enlisted firm(s) shall, upon receiving the letter from the SDF confirming them enlistment, submit a letter of acceptance (on their letter heads).

**The Law Firm(s) may be selected as per SDF's procurement guidelines respectively from each SAARC Member States (Afghanistan, Bangladesh, Bhutan, India, Nepal, Maldives, Pakistan and Sri Lanka).**

### **PROPOSAL SUBMISSION**

In order to be considered for selection, quotes must be received by 4:00 pm on 20/12/2017.

Quotes will be confidential during the selection process.

### **CONTACTS AND SELECTION PROCESS**

Prospective respondents who may have questions regarding this RFQ may contact one of the following:

- Assistant Director - Legal. Email: [nashid@sdfsec.org](mailto:nashid@sdfsec.org) Cell: +975 17446912
- Administration Team: Phone: +975-2-321152/53

### **Rights Reserved**

This RFQ does not obligate SDF to complete the RFQ process. SDF reserves the right to amend any segment of the RFQ prior to the announcement of a selected firm. SDF also reserves the right to remove one or more of the services from consideration for this contract should the evaluation show that it is in SDF's best interest to do so. SDF also may, at its discretion, issue a separate contract for any service or groups of services included in this RFQ. SDF may negotiate compensation package and additional provisions to the contract awarded under this RFQ.

### **Objective of the Proposal Evaluation Process**

The evaluation process will be structured to secure highly-skilled, diligent, responsive, and experienced professional Law Firm/personnel who will be effective in providing the high quality of legal services that SDF desires. The primary objective of the evaluation process is to select a firm that:

- clearly demonstrates a thorough understanding of the scope of the engagement and the specific responsibilities entailed
- possesses adequate resources to handle assigned responsibilities and to handle extenuating circumstances that may arise
- assigns highly-skilled, experienced, diligent, responsive, and professional personnel to perform the required duties

- maintains high ethical standards and reputation
- is competitive in terms of fees
- has limited conflict of interest existing between SDF and other clients.

**Evaluation Criteria**

The proposal shall be evaluated in consideration of the Evaluation Criteria as stated below:

The proposal will be evaluated on two broad parameters (a) Law Firm Profile and their cost of services and (b) Their expertise in offering the Legal Services. The evaluation criteria will carry the cumulative score in the ratio of 30:70 (combined scoring method) respectively covering the sub parameters as defined in the TOR. Financial proposal (Fees for Legal Services) will be evaluated on 30% whereas the technical (Legal Services) one will be evaluated on 70%.

**SCHEDULE**

The following schedule may be changed if necessary. If the schedule changes, affected responders will be notified.

RFQ issuance on:	30/01/2018
Written questions from respondents (if any) must be received by:	8/02/2018
Answers to written questions will be disseminated on:	15/02/2018
Proposals due:	28/02/2018

SDF reserves the right to request additional information from any or all-responding legal firms to assist it in its evaluation process.

**NOTE:** Please note that the SAARC Development Fund is exempted from taxes in all the Member States.