

REQUEST FOR PROPOSAL

For

Hiring of Legal Consultancy For Formulating Security Package for the Development of Waste to Energy Projects in Punjab



August 2024

**Managing Director
Punjab Power Development Board**

Submission Deadline: August 05, 2024

1st Floor Irrigation Secretariat Old Anarkali Lahore

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Email: ppdb.ml@energy.punjab.gov.pk

1. INVITATION FOR PREQUALIFICATION

1.1. Background:

The World Bank Report 2016 indicates that Municipal Solid Waste (MSW) generation in Pakistan is around half (1/2) kg / day / capita which means MSW generation in Pakistan is about 34 million tons / year out of which Punjab produces about 18 million tons / year. This ever-increasing generation of MSW has created increased public concerns with regards to the resultant health and environmental impacts. Un-controlled open dumping of MSW is a serious threat to the environment as it releases methane gas and mix with the ambient air. Emission of methane gas from MSW into open environment is extremely potent as compared to SO_x & NO_x. In addition, untreated leachate from wet MSW make under-ground water contaminated which is unfit for drinking water purposes. The scientific disposal of MSW is, therefore, important to eradicate this waste menace in a sustainable way.

1.2. Waste-to-Energy and associated benefits:

Waste-to-Energy (WtE), globally, has emerged as the most effective scientific solution to dispose-off MSW. The other benefits include reduction of greenhouse gas emissions from inappropriate waste disposal, air quality improvement, reduced health risks, safeguard against contamination of underground water table and longer life of environmentally hazardous dumping/landfill sites. As per International Solid Waste Association (ISWA), there are more than 1,200 incineration based WtE plants in more than 40 countries. Hence, WtE projects are considered as clean environment projects by means of scientific & safe disposal of MSW in addition to electricity generation available for the grid.

1.3. WtE potential in Punjab:

Government of the Punjab has established Waste Management Companies in major cities including Lahore, Gujranwala, Faisalabad, Multan, Rawalpindi, Sialkot & Bahawalpur for the collection of solid waste. Waste Management Companies are responsible for the collection and transportation of MSW. Largely, the generated solid waste, after its collection, is being disposed / dumped at landfill / dumping sites.

The ever-increased quantity of MSW has created an emergent environment situation in Pakistan / Punjab. Lahore Waste Management Company (LWMC), the custodian of MSW in Lahore, has reported that more than over 20 million tons of legacy waste has already deposited at two dumping sites in Lahore; Mehmood Booti is already full to its capacity and Lakhodair landfill site has more than 10 million tons of MSW. In this context, LWMC has indicated that 3,000 tons of MSW / day is available for power generation which is sufficient for WtE project of about 50 MW. Similarly, other Waste Management Companies (WMCs) in Gujranwala, Faisalabad, Multan, Rawalpindi, Sialkot & Bahawalpur have shown willingness to supply MSW as fuel for development of WtE projects in Punjab. There is an estimated potential of 150 MW WtE projects in above mentioned cities in Punjab.

Government of the Punjab has, in principle, approved development of WtE projects in Punjab including WtE project at Lahore for dedicated sale of electricity to public bulk consumer(s) in Punjab. In this regard, potential power purchasers may include Sundar Industrial Estate, Lahore Knowledge Park and Orange Line Metro Train etc.

The pilot WtE project in Punjab is proposed to be developed in Lahore based on LWMC's waste assurance. Later, other WtE projects in main urban centres in Punjab would be developed.

1.4. Project development:

Punjab Power Development Board, Energy Department, GoPb intends to hire the services of consulting firm for the preparation of Security Package for the development of WtE project at Lahore for sale of electricity to public sector bulk consumer(s). At first stage, sponsors have been pre-qualified for development of WtE project at Lahore. After pre-qualification of sponsors, at second stage, invitation of bids would be invited from pre-qualified sponsors.

Following are the project development steps for dedicated sale of electricity for WtE projects;

- Waste supply assurance by Waste Management Company
- Power purchase consent / commitment from power purchaser
- Pre-qualification of sponsors for development of WtE project by PPDB
- Invitation of bids from pre-qualified sponsors
- Award of project to successful bidder
- Feasibility Study and its approval by PPDB appointed Panel of Experts (POE)
- Issuance of LOS
- Execution of project agreements
- Arrangement of financing by the project developer
- Project construction
- Commercial operation of project

For the purpose of development of WtE project a set of security package is required for the completion of the development of WtE project Hence, the services of reputed legal consulting firm are required for the preparation and consultations with the key stakeholder for formulating security package for the development of Waste to Energy power projects in B2B, B2G mode in Punjab.

1.5. Objective of consultancy:

The services of a reputed Consulting Firm are required for the preparation of Security Package the development of WtE projects in Punjab for sale of electricity to public sector bulk consumer(s).

1.6. Scope of work and responsibilities of consulting firm:

The consulting firm will undertake following assignments;

a) Drafting of Legal documents

- LOI and LOI Bank guarantee
- LOS and LOS Performance guarantee
- Power Purchase Agreement along with all required schedules and associated guarantees

- Land Lease / Sale Agreement (LLA / LSA)
 - Waste Supply Agreement (WSA)
 - Water Use Agreement (WUA)
- b) Assist PPDB in conduct of Pre-Bid Conference
 - c) Coordinate with public stakeholders for preparation of security package
 - d) Coordinate with the consulting firm preparing bidding documents for WtE projects in Punjab
 - e) Present security package to PPDB Board and Government of Punjab for its end approval

1.7. Estimated Cost:

The estimated cost of Consultancy is maximum up to PKR five (05) million which includes all applicable taxes.

2. INSTRUCTIONS TO CONSULTING FIRMS

- 2.1. Interested consulting firms should provide information indicating that they are qualified to perform the services on the prescribed forms given in this RFP document.
- 2.2. The objective of this RFP is to hire a suitable Consulting Firm for Short-Term consultancy for the preparation of Security Package for the development of WtE projects in four (04) months.
- 2.3. PPDB intends to invite bids from interested consulting firms to provide consultancy services as per the scope of work and eligibility criteria provided in this RFP.
- 2.4. **Evaluation of the bids:**
 - a. *A consulting firm whose proposal in response to the RFP is determined by PPDB to be responsive and meets the qualification Criteria specified in Section 3 below shall be designated as a "qualified Bidder".*
 - b. *A consulting firm which is non-responsive or does not meet the qualification criteria shall be disqualified from the bidding process.*
- 2.5. PPDB shall employ **Single stage two envelope** method for procurement of short-term consultancy services.
- 2.6. The consulting firm shall submit bid security amounting to **Rs.200, 000/-** in the form of demand draft payable to in PPDB's Account No. CDA 6010046977400018 PKR; IBAN No.PK89BPUN6010046977400018 in Bank of Punjab, Civil Secretariat Branch, Lahore.
- 2.7. Bid (one original in hard copy form and two [2] copies along with soft copy) must be received in sealed envelopes to be delivered by hand or through registered mail to:

Managing Director
Punjab Power Development Board
 1st Floor Irrigation Secretariat Old Anarkali Lahore
 Phone: +92-42 99213878
 Fax: +92-42-99213875

- 2.8. Bids should be delivered no later than **11:30 AM hours** on August 05 and shall be opened on the same date at **12:00 PM** in presence of representatives of participating firms' who wish to attend. Bids shall be clearly marked as **"Request for Proposal**

for Hiring of Short-Term Consultancy for formulating Security Package for development of WtE projects in Punjab”.

- 2.9.** Bids shall be submitted using Bid Forms (A-1 to A-7) annexed with this RFP.
- 2.10.** The name and mailing address of the bidder shall be clearly marked on the envelope.
- 2.11.** Bids shall be prepared in English language and all relevant forms shall be filled out in English. Information in any other language shall be accompanied by its certified translation in English. Non-compliance of the above requirement could result in disqualification of relevant Bidders.
- 2.12.** Bidders must respond to all questions and provide complete information as advised in this document (Bid Forms A-1 to A-7 annexed with this document). Failure or omission to provide the aforementioned essential information may result in disqualification of the bidder.
- 2.13.** Bidding is open to all eligible entities duly incorporated under the laws of Pakistan.
- 2.14.** PPDB reserves the right to cancel the bidding process and reject all bids without liability or obligation to inform Bidders.
- 2.15.** Bidders may participate only in one bid for the consultancy. If a Bidder submits more than one bid for the services, all bids that include that bidder shall be rejected.
- 2.16.** The process of hiring of short-term consultancy services abide by PPRA Rules, 2014.
- 2.17.** The Bidder cannot modify, substitute its bid after submission. Withdrawal of bid/request is allowed on submission of written verifiable bid received by PPDB before the Due Date and Time of the opening of Bids. After due date no such request shall be accepted or considered. No bid shall be modified or substituted or withdrawn by the bidder after the Due Date and Time of the opening of Bids for.
- 2.18.** Bids submitted by either facsimile transmission, telex or e-mail will not be considered for evaluation and short listing.
- 2.19.** For the purpose of submission of Bid, bidder must purchase the “SIGNED” RFP document against a non-refundable fee of Rs.25, 000/- from office of MD PPDB during office hours before last date of submission of Bid.

3. ELIGIBILITY CRITERIA

3.1. Mandatory Criteria;

Sr.	Requirements	Remarks
1.	Declaration on stamp paper regarding non-black listing / default / termination of contract by the public sector entity / or debarred by any prevalent law, rules or regulations	Must Meet Requirement
2.	Consulting Firm must have experience of working with Government entities for power sector initiatives and concession agreement	Must Meet Requirement
3.	Have appropriate business office	Must Meet Requirement

4.	Submission of Bid Security in form of Bank Draft	Must Meet Requirement
5	Consulting Firm must meet minimum HR requirement as provided under section 3.2.2 of the RFP	Must Meet Requirement

Non-compliance to any of the above requirement, the Bidder shall stand non-responsive.

3.2. Evaluation Criteria:

Bidders that meet the Mandatory Criteria as mentioned in Section 3.1 above and Evaluation Criteria set out below regarding their Technical & Financial Position and Qualifications (as demonstrated by the Bidder's responses in the Bid Letter and Bid Forms A-1 to A-7 annexed with this document) and attain sixty (60) percent marks shall stand responsive/qualified:

3.2.1 The below evaluation criteria cover the 80% (A) of the total evaluation marks, rest of 20% (B) will be allotted to the bidder bids on lowest cost for the assignment, rest of the bidders will be awarded marks on pro-rata basis to comply the QCBS method for the selection.

Detail of 80% assigned Quality marks = A

Sr.	Evaluation Criteria	Total Marks (100)
1	Financials:	Total – 20
	1.1 Average annual turnover in last three financial years (Supported by FYs 2020-21, 2021-22, 2022-23) (form A-2)	20 marks
	- Turnover from 5 million to 50 Million	10
	- More than 50 Million	20
2	Managerial:	Total – 30
	2.1 List of Partners/associates	15 marks
	- One to five Partners/associates	10
	- Six or more Partners/associates	15
	2.2 Experience in renewable/ Waste to Energy / Biomass / Bagasse / Biogas / thermal projects	15 marks
	- five or less projects	10
- Seven or more project	15	
3	Firm Experience:	Total – 20
	3.1 Experience of Govt. / Semi Govt. Organization's as a Legal Consultants in last 5 years	10 marks
	- Upto 10 Govt. / Semi Govt. Organizations	05

	- More than 10 Govt. / Semi Govt. Organization's	10
	3.2 Current Legal Consultancy of at least 7 Power Sector Companies/departments	10 marks
	- Upto 15 Power Sector Companies	05
	- More than 15 Power Sector Companies	10
4	Relevant Experience:	30 marks
	4.1 Concession Agreements, security package (IA, PPA / EPA, FSA).	
	- One to five Agreements	10
	- Six to ten Agreements	20
	- More than ten (10)	30
	Total	100 marks

Total score = (0.8) x (A) + (0.2) x (B)

Note: i. Bidder(s) scoring minimum 60% out of A will be eligible for further evaluation.

iii. Subject to (i) above, bidder scoring highest total score will be declared as Successful.

3.2.2 HR Requirements; Core Team of Experts is required for assignment with qualifications as given below:

Sr. #	Key Position	Minimum Qualification	Professional Qualification
1.	Team Leader	Must have LLB degree. Bar at Law / LLM will be preferred.	<ul style="list-style-type: none"> • Must have 18 years' experience in Pakistan power sector exclusively • Well conversant with the power policies regulatory laws, rules & regulations • Experience in drafting / negotiating power sector, contracts, IA, PPA / EPA, LLA, FSA, WUA/ Concession Agreement etc. • Must be aware regarding transition of Pakistan power market.
2.	Associate and Team member	Must have LLB degree	<ul style="list-style-type: none"> • Must have 5 years' experience in Pakistan power sector in regulatory, contractual or policy work.
3	Technical Expert	Graduation in a relevant Engineering discipline (Mechanical / Chemical / Renewable Energy / Electrical Engineering)	<ul style="list-style-type: none"> • Must have 5 years' experience in Pakistan power sector in thermal / renewable projects

3.3. Time Duration for Proposed Consultancy

PPDB will obtain short term consultancy services as per PPRA rules. The consultancy duration is four (04) months after award of contract.

3.4. Professional liability of the Consultant as per PPRA Rules

- i. The consultant selected and awarded a contract shall be liable for consequence of errors or omissions on the part of the consultant.*
- ii. The extent of liability of the consultant shall form part of the contract and such liability shall not be less than remunerations nor shall it be more than twice the remunerations.*
- iii. The consultant shall be held liable for all losses or damages suffered by the procuring agency on account of any misconduct by the consultant in performing the consulting services.*

3.4.1 Bidders shall submit, with appropriate referencing in Bid Form where required, the documents as proof of its eligibility:

3.4.2 Associates experience and resources shall not be taken into account in determining the Bidder's compliance with the qualifying criteria.

3.4.3 Bidders shall also be required to submit an affidavit affirming and declaring on oath that the Bidder:

- a. is not in bankruptcy or liquidation proceedings,
- b. is not making any misrepresentations or concealing any material fact and detail,
- c. has not been convicted of, fraud, corruption, collusion or money laundering,
- d. is not aware of any conflict of interest or potential conflict of interest arising from prior or existing contracts or relationships which could materially affect its capability to comply with its obligations,
- e. does not fall within any of the circumstances for ineligibility or disqualifications; and
- f. has not been blacklisted by Government / Semi-Government / Agency or Authority

3.4.4 PPDB reserves the right to waive minor deviations, if these do not materially affect the capability of an Bidder to perform the contract. In such case, similar relaxation shall be extended to all Bidders similarly affected.

3.4.5 PPDB reserves the right to seek additional information, missing information, and/or clarification of submitted information, from any Bidder. In such case, opportunity shall be provided to all Bidders similarly affected.

3.4.6 Bidders shall be required to update the financial and technical information used for RFP at the time of submission of their bids to confirm continued compliance with the qualification Criteria. A bid shall be rejected if the Bidder's qualification thresholds

are no longer met at the time of bidding.

3.4.7 PPDB may verify information provided in qualification documents through any means necessary and reserves the right to disqualify a bid at any stage of the bidding process if the Bidder is found to have wilfully misrepresented information.

3.4.8 The bidders are required to disclose if there is any direct relationship person or relative is working in PPDB/ED so that the appropriate safeguards measures to be taken for maintaining the integrity of the process

3.5. Deliverables / Reporting with Time Lines

The Consulting Firm shall directly report to MD PPDB, Energy Department Lahore. Detail of deliverables is as follows;

No.	Description of assignment	Time Duration (Days)	Deliverables	% of Contract
1	Submission of draft; <ul style="list-style-type: none"> • LOI and Bank guarantee • LOS and Performance guarantee 	15	Submission and approval by PPDB	10% of contract price
2	Submission of draft; <ul style="list-style-type: none"> • PPA / EPA along with all required schedules and associated guarantees • Land Lease / Sale Agreement (LLA / LSA) • Waste Supply Agreement (WSA) • Water Use Agreement (WUA) 	60	Submission of draft documents and their presentation to the PPDB Board after consultation with the Expert Committee*	60% of contract price
3	Approval of above documents by PPDB Board	15	Approval of PPDB Board	15% of contract price
4	Final approval of above documents by the Punjab Cabinet	30		15% of contract price

**Experts Committee may include members from Energy Department, GoPb, LG&CD Department, GoPb, LWMC, Industries Department, GoPb, Law & Parliamentary Affairs Department, GoPb.*

3.6. Role of client agency

- Supervision of activities of the consultant in line with scope of services in order to achieve anticipated outcomes.
- Communication with the consultant for sharing of relevant information and coordination with relevant public and private entities.

Letter of Bid

[Letterhead paper of the Bidder, including full postal address, telephone no., fax no. and e-mail address]

Date: _____

To: Managing Director
Punjab Power Development Board

Respected Madam,

Being duly authorized to represent and act on behalf of

(hereinafter “the Bidder”), and having reviewed and fully understood all the qualification information provided, the undersigned hereby applies to be as a bidder for the following contract(s) under the **Request for Proposal for Hiring of Short-Term Consultancy for the preparation of Security Package for development of WtE projects in Punjab.**

The bids attached with this Letter of Bid shall remain valid for a period of 60 days from the last date of submission of bids.

PPDB or its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this bid, and to seek clarification from our bankers and clients regarding any financial and legal aspects. This Letter of Bid will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and requested by yourselves or the authorized representative to verify statements and information provided in this bid, or with regard to the resources, experience, and competence of the Bidder.

PPDB or its authorized representatives may contact the following persons for further information, if needed.

General, Financial and Managerial Inquiries	
Contact 1	Telephone 1
Contact 2	Telephone 2

1. This Bid is made with the full understanding that:
 - (a) Bids by the qualified Bidders will be subject to verification of all information submitted for evaluation at the time of bidding;
 - (b) PPDB reserves the right to cancel the bidding process, and reject all bids; and
 - (c) PPDB shall not be liable for any such actions or consequence of, and shall be under no obligation to inform us of the grounds for actions at 1(b) here above.
 - (d) Appended to this bid, we give details of the participation of each party, including capital contribution and profit/loss agreements. We also specify the financial commitment in terms of the percentage of the value of the contract, and the responsibilities for execution of the contract.

2. The undersigned declare that the statements made and the information provided in the duly completed bid are complete, true, and correct in every detail.

Signed
For and on behalf of (name of Bidder)

Bid Form A-1

General Information

[Bidder applying for hiring of short-term consultancy is required to complete the information in this form.]

Name of Firm	
Head Office Address	
Firm registration number:	
Year of incorporation:	
National Tax Number (NTN) and Punjab Revenue Authority Number (PRA):	
Telephone	Contact Person:Name: Title:
Fax	Telex

Bid Form A-2

Financial Information;

Name of Bidder

Year	Annual Turnover * (PKR)	Reference	Current ratio	Reference
FY 2020-21				
FY 2021-22				
FY 2022-23				

**Supported by Audited Financial Statements / tax returns*

Bid Form A-3

Details of Consultancy Experience

<i>Name of Bidder</i>

[Use a separate sheet for each contract]

1.	Name of consultancy
	Location
2.	Name of Employer
3.	Employer Address
4.	Nature of work and similarity to this consultancy
5.	Consultancy Role (Tick One) (a) individual consultant (b) Sub- Consultant
6.	Value of the total consultancy (in PKR) at completion, or at date of award for current consultancy
8.	Date of Award/ letter of award/signed contract
9.	Date of Completion
10.	Contract Duration (Years and Months)_Years____Months
11.	Contract Requirements
12.	Reference

Bid Form A-4

AFFIDAVIT OF CORRECTNESS OF INFORMATION

We do hereby declare and undertake that all the information, warranties, statements and representations provided within this bid are true and correct; and we also understand that in case any of the aforesaid are found to be false then we are liable to be disqualified, without prejudice to any other rights and actions PPDB may exercise under the applicable laws.

For & on Behalf
of the Bidder

Name:

Designation:

Date:

Witness # 1:

Signature:

Signed By:

Designation:

Date:

Witness # 2:

Signature:

Signed By:

Designation:

Date:

Bid Form A-5

Template for Affidavit for Non-Blacklisting
(To be printed on PKR 100 Stamp Paper)

It is hereby solemnly confirmed and declared that M/s-----, is declaring on oath that the Bidder:

- is not in *bankruptcy* or liquidation proceedings;
- has *never* been declared *ineligible/blacklisted* by Government / Semi-Government / Agency or Authority or any employer till date due to the any reasons
- is not making any *misrepresentations* or concealing any material fact and detail;
- has not been convicted of, fraud, *corruption*, collusion or money laundering;
- is not aware of any conflict of interest or potential *conflict of interest* arising from prior or existing contracts or relationships which could materially affect its capability to comply with its obligations; and
- does not fall within any of the circumstances for *ineligibility* or disqualifications

Attestation by Oath Commissioner and/or Notary Public

Witnessing Form:

Witness # 1:

Witness # 2:

Signature: _____

Signature: _____

Signed by: _____

Signed by: _____

Designation: _____

Designation: _____

Date: _____

Date: _____

Seal: _____

Seal: _____

Bid Form A-6

Litigation History
(On 100 Rupee Stamp Paper)

Name of Bidder

Bidder should provide information on any history of litigation or arbitration resulting from consultancies executed in the last five years or currently under execution. (If no history, then submit Nil)

Year	Award for or against Bidder	Name of Client Cause of litigation and matter indispute	Disputed amount (Current value in Pakistani Rs. or US\$ equivalent)

BID FORM A-7

TEMPLATE FOR POWER OF ATTORNEY (FOR SIGNATORY OF BID)[TO BE
PRINTED ON A PKR 100 STAMP PAPER]

KNOW ALL MEN BY THESE PRESENTS THAT by this Power of Attorney ("**Power of Attorney**"),
_____ [Insert name firm/Consortium] having its registered office at [],
does hereby nominate, appoint and authorize Mr. ----- having CNIC No.
_____ hereinafter referred to as the "**Signatory of Bid**", to do in
our name and on our behalf the following:

- i. Sign and submit to Project Coordinator or its authorized nominee, the EOI/Tender/Bid of Firm for "-----", in response to the EOI advertisement dated [--] issued by The Procuring Agency and all other documents and instruments required to submit the EOI/Tender/Bid.
- ii. execute all such contracts, deeds, documents and instruments as may be considered necessary and expedient in relation to the foregoing; and
- iii. do and carry out all other actions as may be required by the Procuring Agency in connection with the EOI/Tender/Bidding process/negotiations as a whole;
- iv. To immediately notify The Procuring Agency in writing of any impending or actual revocation as well as any change in the terms of this Power of Attorney.
- v. To do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to our EOI and/or Bid in response to the above referred tenders including signing and submission of all documents, instruments and deeds (including correcting any deficiencies or mistakes therein), attending any meetings organized by the Procuring Agency (including pre-bid conference meetings and bid opening meetings) and providing information/responses to the Procuring Agency in all matters in connection with our Bid.

We, [Insert name of Firm], do hereby ratify and confirm whatsoever the Signatory of Bid shall do by virtue of these presents and further agree that whatever the Signatory of Bid shall do or cause to be done pursuant to this Power of Attorney shall be binding on us.

Furthermore, each provision of this Power of Attorney is severable and distinct from the others. The invalidity, illegality or unenforceability of any one or more provisions of this Power of Attorney at any time shall not in any way affect or impair the validity, legality and enforceability of the remaining provisions hereof.

IN WITNESS WHEREOF, we have executed this **POWER OF ATTORNEY** as of [Date].

FOR: [INSERT NAME OF BIDDER FIRM]

Signature: _____

Name: _____

Title: _____

CNIC/Passport No. : _____