

TENDER DOCUMENT
LEGAL ADVISOR

GOVERNMENT OF PAKISTAN
CYBER SECURITY FOR DIGITAL PAKISTAN/nCERT
(NATIONAL CYBER EMERGENCY RESPONSE TEAM)

INVITATION TO BIDS

1. Cyber Security for Digital Pakistan /nCERT requires services of Legal Advisor under the “Project Cyber Security for Digital Pakistan” for which electronic bids are invited from the firms/ companies registered with Income Tax, Sales Tax Departments and who are on FBR's Active Taxpayer's List (ATL) through ePADS.
2. The prospective service providers are required to submit their electronic bids including technical and financial proposals along with the Bid Security instrument amounting to rupees 300,000/- (Rupees Three hundred thousand only) submitted in favor of National Computer Emergency Response Team (nCERT) (FTN/NTN: 9012000-7) through E-PADS at <http://eprocare.gov.pk> uploaded on or before **1100 hours on Tuesday, 1st October, 2024** in accordance with the provisions of PPRA Rule 36(b) and other terms & conditions as defined in the bidding documents.
3. In case of any technical difficulty in using ePADS, prospective bidders may contact PPRA team Director MIS Room No. 109, 1st floor, FBC building Sector G-5/2, Islamabad (Contact No. 051-111-137-237).
4. Original Bid security instrument MUST be submitted to the undersigned before closing hours of the bid submission time otherwise respective bid will not be opened.
5. Bidding documents can be accessed from the website of National Computer Emergency Response Team (<https://pkcert.gov.pk/>) as well as PPRA website.
6. Bids will be opened on the same day i.e. **1st October, 2024** at **11.30 hours** in the presence of representatives of the bidders.
7. As per PPRA Rules 33(1), 2004, National Computer Emergency Response Team (nCERT) has the right to reject any or all bids/ proposals at any time prior to the acceptance of a bid/proposal.

Project Director
Cyber Security for Digital Pakistan
Department of Communications Security, L- Block Pak Secretariat, Islamabad
Ph No. 051-9246151 and Ph No. 051-9246281(Ext-0)
Email: trman@pkcert.gov.pk
Website: (<https://pkcert.gov.pk/>)



**TERMS OF REFERENCE (TOR) REQUEST FOR PROPOSAL FOR HIRING
OF LEGAL ADVISOR/LAW FIRM**

1.	Background:
2.	Period of service:
3.	Scope of services/deliverables:
4.	Evaluation criteria:
5.	Technical evaluation criteria:
6.	Financial evaluation criteria:
7.	Reporting requirements:
8.	Responsibilities of the legal advisor/law firm:
9.	Attachments / documentary evidence:
10.	Nature of engagement:
11.	Disqualifications:
12.	Proposal submission:
13.	General terms and conditions:
14.	Mailing address/ contact information:

Disclaimer:

The information contained in this Terms of Reference (TOR) or subsequently provided to the Law Firm/Legal Adviser, verbally or in documentary form, by or on behalf of the Authority and/or through any of its employees, is provided to the Law Firms/Legal Adviser on the terms and conditions set out in this ToR and any other terms and conditions subject to which such information is provided.

This ToR is not an offer or invitation to any other party. The purpose of this ToR is to provide the Law Firms with information to assist the formulation of their proposal submission. This ToR does not purport to contain all the information each Law Firm may require. This ToR may not be appropriate for all persons and it is not possible for Authority and its employees to consider the objectives, financial situation and particular needs of each Law Firm. Authority make no representation or warranty and shall incur no liability under the Law of Contract, Tort, Principles of Restitution or unjust enrichment or otherwise for any loss, expenses or damage, which may arise from or be incurred or

suffered in connections with anything contained in this ToR or otherwise. Any assessment, assumption, statement or information contained therein or any matter deemed to form part of this ToR, the award of the Proposal and any other information supplied by or on behalf of the Authority arising in any way from the Proposal process. Authority may, at its absolute discretion, but without being under any obligation to do so, amend or supplement the information in this ToR. The information that Authority is in a position to furnish is limited to this ToR and the information available at the contact addresses given in this ToR.

Mere submission of a responsive Proposal does not ensure selection of the Law Firm/Legal Adviser as successful. The Authority reserve the right to reject all or any of the Law Firm/Legal Adviser or Proposal without assigning any reason whatsoever. The Authority reserves the rights to cancel, termination, change or modify this selection process and/or requirement of bidding stated in ToR, at any time without assigning any reason or providing any notice and without accepting any liability for the same.

1. BACKGROUND:

“Cyber Security for Digital Pakistan”, is a PSDP project sponsored by Ministry of Information and Technology (MoITT) and executed by National Telecommunication & Information Technology Security Board (NTISB). The project “Cyber security for Digital Pakistan” is a pre-requisite for the Digital Pakistan initiative addressing current National cyber security gaps and concerns. This project will provide cyber security and digital initiative support to all public/private/defence sector organizations/institutes at national level. To achieve the desired objectives of cyber security mechanism be in vogue a comprehensive bill of cyber security is necessary to be formulated. In pursuance, Project Director is looking to hire the services of a highly credible, competent, professional and experienced legal advisor/law firm (**may be an individual or a firm**) having vast experience in the provisioning of legal services as per the following scope of services for effectively performing and discharging the functions and duties.

2. PERIOD OF SERVICE:

Under the project “Cyber Security for Digital Pakistan”, the services of a legal advisor/law firm are required for drafting/making of a comprehensive bill for the cybersecurity mechanism in Pakistan within four weeks from the date of coming into force of the agreement, which may be further extended as per terms and conditions mutually agreed in writing.

3. SCOPE OF SERVICES/DELIVERABLES:

- i. A legal advisor/law firm services having solid understanding of cyber security related vision, planning, strategy and previous record related thereto along with having comprehension of scope and requirements under the project “Cyber Security for Digital Pakistan” be able awarded the task to draft a comprehensive federal bill of the Pakistan Cyber Security.

4. EVALUATION CRITERIA:

The project “Cyber Security for Digital Pakistan”, for a comprehensive draft of the bill will use the “Quality and Cost Based Selection Method” under “Single Stage Two Envelope bidding procedure” of selection of the legal advisor/law firm under Public Procurement Rules, 2004 for a comprehensive the Pakistan Cyber Security bill, 2024. Marks will be allocated based on the evidence available in the proposal only. The Legal Advisor/law firm assignment will be awarded to the consultant with the highest total score based on the following weight ratios:

75% for Technical Score

25% for Financial Score

5. TECHNICAL EVALUATION CRITERIA:

ELIGIBILITY MARKS: The minimum score for competing in the next stage is 75%. The Financial Proposal of only those bidders will be opened who have secured 75% or more in the Technical Evaluation and have been qualified for the financial bid opening.

A technically eligible bidder, based on conditions listed in this document, not meeting the 75% pass marks limit will be rejected in Technical Evaluation, and its sealed/unopened Financial Proposal shall be returned.

The overall best-evaluated technical and financially bids (based on weighted average of Technical and Financial Evaluation, (75 % Technical) and (25 % Financial), will be taken as the viable and acceptable Bidder.

The bidders who have duly complied with the eligibility/qualification and evaluation criteria against all items will be eligible for further processing.

Max 25 Points:

The formula for determining the Financial Score is as following:

$$\mathbf{Sf} = 25 \times \mathbf{Fm} / \mathbf{F}$$

Where **Sf** is the Financial Score; **Fm** is the Lowest Price and **F** is the Price of the Proposal under consideration.

The weights given to the Technical (T) and Financial Proposals (F) are:

$$\mathbf{T} = 0.8 \text{ and } \mathbf{F} = 0.25$$

7. REPORTING REQUIREMENTS:

- i. The selected legal advisor/law firm will communicate with Project Director (PD) of the project “Cyber Security for Digital Pakistan” for all the matters related to the services or any other officer designated by the PD.
- ii. PD or designated officer shall provide the legal advisor/law firm with all available relevant materials that can be useful concerning the assignment.
- iii. The legal advisor/law firm shall liaison with other agencies if required to ensure that the legal advisor/law firm has access to all information required as may be allowed under the laws.

8. RESPONSIBILITIES OF THE LEGAL ADVISOR/LAW FIRM:

The legal advisor/law firm shall carry out the works as detailed in the “Scope of Services/deliverables” in the best interest of as deliberated and determined under the project namely “Cyber Security for Digital Pakistan” for the federal cyber security bill and the Government in dealing with day-to-day affairs as per applicable Government laws/rules/regulations besides offering legal opinion and legal endorsement of the documents with all reasonable care, skill, and sound legal practices. The legal advisor/law firm shall be answerable to the Project Director for the discharge of responsibilities.

9. ATTACHMENTS / DOCUMENTARY EVIDENCE

The following documents/evidence should be attached in support of the Technical Proposal Evaluation as per the above criteria:

- i. Copy/ies of NTN. ii. Copies of valid Certificates of Practice. iii. Post legal qualification experience proof. iv. List of reported judgments.
- v. Brief profile(s) of Lawyer(s) assigned this task.
- vi. Proof related to General Corporate Commercial experience, but more specifically with

compliance issues such as regulatory bodies' laws, understanding, and practice both in civil and criminal fields, and experience in the ICT, Cyber Security, Data Privacy, Data Protection and inter alia will be given preference, etc.

- vii. Details with proof for at least 7 years of experience as a legal advisor/law firm dealing with the public sector bodies dealing with related matters.
- viii. Undertaking on the stamp paper that in case of not being compliant with the terms and conditions or loss the legal advisor will be held accountable.
- ix. Lists of enactments, bills, Acts, principally approved bills
- x. Rules, regulations, and policies.

10. NATURE OF ENGAGEMENT:

The nature of the appointment of the legal advisor/law firm is the specific task of drafting proposed the Pakistan Cyber Security Bill, 2024 under the project of “Cyber Security for Digital Pakistan as per the scope of services/deliverables as more fully agreed in writing.

11. DISQUALIFICATIONS: Without prejudice to the rights of the company; the bidder shall be disqualified if:

- i. They are or have been at any time during the last five years, involved in litigation, arbitration or any other dispute or event that may in the law firms have material adverse effects on the bidder's ability to perform the contract.
- ii. Its past conduct or executions of work under contract has been poor.
- iii. The specifications and other requirements are not properly adhered to, or it is different from the ones mentioned.
- iv. The project team of Cyber Security for Digital Pakistan will not entertain incomplete/conditional quotation or quotations with overwriting/ cutting, etc.

12. PROPOSAL SUBMISSION:

The electronic bid including technical and financial proposals must be submitted online on or before 1st October, 2024 at 1100 hours through ePADS at <http://eprocare.gov.pk>.

Bids will be opened on the 1st October, 2024 at 1130 hours. Soon after technical evaluation, the technical qualified firms as per evaluation criteria mentioned at para 4, shall be called for opening of financial bid on given date and time which will be communicated to the firms in writing.

Unopened bid security instrument shall be returned to the technically disqualified firms.

13. Award of Proposal:

After acceptance of Technical and Financial bid, an Award Letter shall be issued, in duplicate, to the successful Law Firm/Legal Adviser, and the selected Legal Firm/Legal Adviser shall, within 15 days of receipt of Award Letter, sign and return the duplicate copy of the Award Letter in acknowledgement thereof. In the event the duplicate copy of the Award Letter duly signed by the Law Firm/legal Adviser is not received by the stipulated date, the Authority may, unless it consents to extension of time for submission thereof, cancel the Award Letter issued to it.

NOTE: Disqualifications section talks about the contract instead of Award Letter, let's look into this anomaly. Is it not better to have a comprehensive contract instead of Award Letter?

14. Confidentiality:

Information relating to examination, clarification, evaluation and recommendation for the shortlisted bidders shall not be disclosed to any person not officially concerned with the process. Authority will treat all information submitted as part of all Proposal confidential and will insist that all who have access to such material treat it confidential. Authority will not divulge any such information unless it is ordered to do so by any Government authority that has the power under law to require its disclosure to due to statutory compliances.

Milestones/Deliverables

Milestone-1	Approval of 1st Draft of the Pakistan Cyber Security Bill, 2024
Milestone-2	Approval of 2nd Draft of the Pakistan Cyber Security Bill, 2024
Milestone-3	Final Sign off (Submission of Complete Documents)

Payment and Time Schedule

Ser	Milestones	Payment %
i.	First Draft of the Bill after executing the binding agreement	50%
ii.	Approval of 2 nd Draft	40%
iii.	Final Acceptance Certificate (FAC**)	10%

**FAC= Final Acceptance Certificate (FAC) subject to submission of Complete documents to Cyber Security for Digital Pakistan

Delivery Time (Calendar Weeks)

Ser	Activity	Week-1	Week-2	Week-3	Week-4	Week-5
i.	st 1 Draft	2 Weeks				
ii.	nd 2 Draft (Incorporation of Changes)	-	-	3 rd Weeks		
iv.	Submission of a Complete Draft Documents	-	-	-	FAC	If required

13. GENERAL TERMS AND CONDITIONS:

- i. The Cyber Security for Digital Pakistan reserves the right to accept or reject all or any application as per PPRA rule# 33.
- ii. Financial proposals will be opened in the presence of all those participants who are short-listed by the technical evaluation committee and who wish to attend the bid opening committee.
- iii. Bid Security amounting to Rs.300,000 estimated as 4% of the estimated value of quoted price in the form of Call Deposit/Bank Draft (refundable) drawn in favor of Project Director, Cyber Security for digital Pakistan, shall be included with Financial Proposals. Technical proposal, shall clearly state that bid security is included in the financial proposals. Please do not disclose the amount of the bid or the bid security in the technical proposal.
- iv. Prices should be quoted in the Pakistani rupees and inclusive of all taxes, prices mentioned without any remarks will be treated as inclusive of all applicable taxes.
- v. Any proposal received after the due date and time will not be accepted.
- vi. To facilitate evaluation of proposal, the Authority may, at its sole discretion, seek clarification from any Advisor/Law Firm regarding its proposal submitted. Such clarification shall be provided within the time specified by the Authority for this purpose. Any request for clarification and all clarifications in response thereto shall be in writing. In case of failure to provide the clarification within the specified time, the proposal shall be liable to be rejected.

14. MAILING ADDRESS/ CONTACT INFORMATION:

The following address will be used for any correspondence Emails and telephone calls can only be used for query, clarification/ communication purposes.

Department of Communications Security (DCS),

L- Block, Pak Secretariat, Islamabad.

Telephone: 051-9203421-2 (Administration)

Website: www.pkcert.gov.pk

Email: aps_dg@pkcert.gov.pk