



**LYARI DEVELOPMENT AUTHORITY
LOCAL GOVERNMENT & HOUSING
TOWN PLANNING DEPARTMENT
GOVERNMENT OF SINDH**



**FEASIBILITY STUDY AND TRANSACTION ADVISORY SERVICES FOR DEVELOPMENT OF
LDA SCHEME-42 & ADJOINING AREAS UNDER PUBLIC-PRIVATE PARTNERSHIP MODEL**

RESPONSE DOCUMENT NO. I

21st March 2022

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Important Notice/ Disclaimer

The Responses to Prospective Bidders' Queries Document (the '**Response Document No. I**'), is in furtherance to requests for queries/ clarifications received from the prospective Bidders in respect of the Bidding Process relating to Feasibility Study & Transaction Advisory Services for Development of LDA Scheme-42 & Adjoining Areas under Public-Private Partnership Model (the '**Assignment**'), being conducted pursuant to the Request for Proposal Document (the '**RFP Document**') dated 10th March 2022.

*Unless expressly specified otherwise, all **capitalized terms** used herein shall bear meaning ascribed thereto under either Sections II or VI – Instructions to Consultants and General Conditions of Contract of this RFP document.*

This Response Document No. I is being circulated by the Lyari Development Authority, Local Government & Housing Town Planning Department (the '**Procuring Agency**'), subsequent to its Consultant Selection Committee's approval in accordance with Instructions to Consultant (ITC) Clause-10.1 of the RFP Document. Neither any of these entities, nor their employees, personnel, agents, make any representation (expressed or implied) or warranties as to the accuracy or completeness of information contained herein, or in any other document made available to a Person in connection with the Bidding Process for the Assignment and the same shall have no liability for this RFP Document or for any other written or oral communication transmitted to the recipient in the course of the recipient's evaluation of the Proposals or Bids. Neither any of these entities, nor their employees, personnel, agents, consultants, advisors and contractors etc. will be liable to reimburse or compensate the recipient for any costs, fees, damages or expenses incurred by the recipient in evaluating or acting upon the RFP Document or otherwise in connection with the Assignment as contemplated herein.

The Proposals or Bids submitted in response to the RFP Document by any of the Bidders shall be upon the full understanding and agreement of any and all terms of the RFP Document, the Addendum to the RFP Document (if any), and the Response Document (the '**RFP Documents**') and such submission shall be deemed as an acceptance to all the terms and conditions stated in the RFP Documents. Any Bid submitted by a Bidder in response to the RFP Documents shall be construed based on the understanding that the Bidder has done a complete and careful examination of the RFP Documents, and has independently verified all the information received (whether written and verbal) from the Government (including from its employees, personnel, agents, Consultants, advisors and contractors etc.).

This Response Document is not an agreement; its sole purpose is to provide interested Bidders with information that may be useful to them in preparing their Bids or Proposals. The Procuring Agency reserves its right, in its full discretion, to modify the RFP Documents and/ or the Assignment at any time to the fullest extent permitted by law, and shall not be liable to reimburse or compensate the recipient for any costs, taxes, expenses or damages incurred by the recipient in such an event.

Responses to the Prospective Bidders' Queries

SR. #	RFP REFERENCE	QUERY/ COMMENT	RESPONSE/ CLARIFICATION
SECTION II – INSTRUCTIONS TO CONSULTANTS (ITC)/ BID DATA SHEET (BDS)			
1.	ITC BDS Clauses 2.3	<p>A pre-proposal conference (pre-bid meeting) will be held: No</p> <p>We request the Procuring Agency to arrange the pre-proposal conference at soonest.</p>	<p>The Procuring Agency will not conduct a pre-proposal conference for this Assignment initiated a second time after cancelling the earlier tendering process. The RFP Document is prepared based on the feedback provided by the Bidders for the same Assignment floated earlier. The prospective Bidders may raise their queries for seeking the Procuring Agency's clarification following the mechanism prescribed under ITC Clauses-10.1 & 16.4 of the RFP Document.</p>
2.	ITC BDS Clauses 16.4	<p>The deadline for proposals submission and opening is: Date and Time: 30th March 2022 Time: 02 p.m. and 03 p.m. (submission and opening, respectively)</p> <p>Keeping the complexity of project in mind, the time duration for proposal submission is very short which may please be extended at least two (2) weeks after the issuance of clarification documents.</p>	<p>The RFP Document covers a sufficient response time for Bidders to prepare their Bids as required under the SPP Rules 2010. Secondly, the clarifications requested by the prospective Bidder are already covered in or part of the RFP Document. Hence, the Procuring Agency cannot consider any request for an extension in schedule – deadline for submission of Bids – at this moment in time.</p>
3.	ITC BDS Clauses 18.1, 13.1, 6.1 & 2.2 – Eligibility Criteria (Financial Turnover)	<p>Bidder must have an average annual financial turnover of at least PKR 120 million during the last three years, as verifiable from the financial statements issued by a Certified Chartered Accountant in Pakistan. However, in case of a Consortium, the Lead Member alone must have an average annual financial turnover of at least PKR 100 million, and each other member individually must have an average annual financial turnover of at least PKR 20 million, during the last three years;</p> <p>If the Bidder is unable to submit audited statement for last financial year due to its pending approval Company's Board of Director. However, draft financial statement is acceptable with all supporting documents. Please confirm.</p>	<p>Bidders are required to submit audited statements for the last three (3) years in accordance with the RFP Document. In case, a Bidder is unable to submit audited statements for the last financial year, i.e. 2020-21, due to pendency of internal approval or any other legal requirement, then the Bidder in that case may submit a provisional report verifying the Balance Sheet, and Profit & Loss Statement to be eligible for Bidding Process.</p>
4.	ITC BDS Clauses 18.1,	Foreign entities, if participating in the Bidding Process as	Foreign Company participating as a Consortium member (other

	13.1, 6.1 & 2.2 – Eligibility Criteria (Condition at Sr. # I)	<p>Consortium members, other than the Lead Member, must provide relevant documents of registration and other evidence, as applicable with respect to the criteria, from their respective regulatory and/ or registration bodies of home country;</p> <p><i>Please confirm whether PEC/ PCATP registration, FBR and SRB registration of foreign consortium partner is not required.</i></p>	<p>than the Lead Member) or Key Professional Staff proposed by a Bidder from a foreign country, are required to have valid registration with their respective regulatory and/ or registration bodies of that country or jurisdiction, in accordance with the ITC Clause-13.1(a) read with GCC Clause-1.6.1 of the RFP Documents. <i>It may be noted that the Lead Member, being the National Company, shall be responsible to the Procuring Agency for execution of the entire Assignment in accordance with the provisions laid down under the RFP Documents.</i></p>
5.	ITC BDS Clauses 18.1, 13.1, 6.1 & 2.2 – Eligibility Criteria (Condition at Sr. # I)	<p>Any foreign entity(ies), participating in Bidding Process as Consortium member, other than Lead Member, must submit relevant documents issued by their respective authorities/ jurisdiction and attested by Pakistani Consulate/ Pakistan High Commission of such jurisdiction;</p> <p><i>Please clarify the list of documents which may be attested by Pakistani Consulate/ Pakistani High Commission of such jurisdiction.</i></p>	<p>A foreign entity(ies) is required to submit the following documents duly attested by Pakistan Consulate/ Pakistan High Commission of such jurisdiction as per the RFP Document:</p> <ol style="list-style-type: none"> i. Registration or incorporation documents, issued outside Pakistan; ii. Affidavits as appended at B & C of the RFP Document; iii. Any other document translated from a language into English as per the ITC Clause-12.1 of the RFP Document. <p>In the event a Bidder is unable to timely submit the attested/ consularised documents owing to a delay at the relevant consulate's end, it may submit evidence that such documents have been submitted for consularisation (including a receipt issued by the relevant consulate). In case consularisation is not complete at the time of submission, a receipt of the application for consularisation of the documents shall be annexed along with the Bid submitted to the Procuring Agency.</p>
6.	ITC BDS Clause 18.1 – Technical Evaluation Criteria (1.2. Relevant Experience)	<p>Bidder's (in case of a Consortium, legal member) experience in preparing bidding package (including RFQ/ RFP and draft concession agreement, etc.) for infrastructure and/ or urban development projects under the PPP modality, completed during the last fifteen (15) years [3 points for each project];</p> <p><i>Considering the total eight (8) points in referred criteria which may please be corrected from [3 points for each project] to [2.67 points</i></p>	<p>The criteria shall remain the same as mentioned in the RFP Document approved by the Consultant Selection Committee. For clarity purpose, it may be noted that the relevant projects exceeding two (2), if claimed by a Bidder and found satisfactory or qualified by the Committee, shall carry a lesser weight, i.e. 2 points instead of 3.</p>

		for each project].	
7.	ITC BDS Clauses 18.1, 13.1, 6.1 & 2.2 – Eligibility Criteria (Government Owned Organization)	<p>Government Owned Organization: Bidder (in case of Consortium, each member as applicable) must be: (i) legally and financially autonomous; and (ii) operates under commercial law;</p> <p>Please confirm whether undertaking will suffice for meeting the requirement.</p>	Bidder, in the case of a government-owned organization, is required to submit an undertaking along with its registration and supporting documents for qualifying the criteria as mentioned at Sr. # xvi – Eligibility Criteria of the RFP Document read together with Rule-29(2) of SPP Rules, 2010.
8.	ITC BDS Clause 18.1 – Technical Evaluation Criteria (2.2 Technical Team)	<p>Technical Team</p> <p>i. Technical Team Leader (PCATP Registered)</p> <p>ii. International Urban/ Town Planner (PCATP Registered)</p> <p>Please amend PCATP requirement for both positions as international key person if assigned for these positions, providing PCATP registration is not possible. Please amend it to PCATP Registered/ Equivalent.</p>	Any Key Professional Staff proposed from a country outside Pakistan shall require registration with their respective regulatory and/ or registration bodies of home country as mentioned under a condition at Sr. # i - Eligibility Criteria of the RFP Document. For further clarity, refer to the response/ clarification at Sr. # 2.
SECTION IV – FINANCIAL PROPOSAL			
9.	Form FIN-2. Summary of Costs; and GCC/ SCC Clause-6.5.1 – Terms and Conditions of Payment	<p>Phase I – Transaction Preparation</p> <p>Phase II – Transaction Implementation</p> <p>Phase III – Transaction Negotiation & Financial Closure</p> <p>Phasing of work in Form FIN-2 on page # 50 differs from phasing of work on Deliverable table as provided on page # 85. This may be corrected and synchronized as some of the tasks are missing in FIN Form-2.</p>	<p>Both of these forms are different in nature/ purpose in relation to the Assignment. Form FIN-2 is a template, without an exhaustive list of deliverables, provided for ease of Bidders to prepare and submit their Bids considering all the deliverables, part of the RFP's TOR, applicable taxes, and payment conditions as expressly highlighted under page # 50 footnotes # 13 & 14. The Bidders are free to update the Form FIN-2 either by adding new fields or by deleting the available fields as deemed fit and convenient to the Bidder.</p> <p>However, the Committee shall evaluate the Financial Proposal based on the <i>total cost of financial proposal (inclusive of all the applicable taxes) after correcting the computational errors, if any, as provided under ITC Clause-19.2 of the RFP Document.</i> Subsequently, the Procuring Agency shall release the payments to the Bidder, whose Bid found as the Most Advantageous Bid and awarded Contract, in accordance with the schedule</p>

			reflected under GCC/ SCC Clause-6.5.1 of the RFP Document.
10.	Form FIN-2. Summary of Costs; ITC Clause-14.1; and Assignment Scope 4.1.3	<p>The Bidders must consider that the Bids submitted to the Procuring Agency cover all the costs associated with execution of the Proposed Concessions. If the approved concessions number increases or decreases from the Proposed Concessions, then the amount payable to the Bidder shall be adjusted, i.e. the additional payment or deduction to the Bid or Contract Price, using a pro-rata basis, i.e., 3.5% of the Bid or Contract Price per concession or each procurement cycle.</p> <p>We understand that each concession require a separate feasibility study. Please share the number of feasibility studies expected out of a project. Furthermore, please also share the rationale of 3.5% of bid price per concession. Please clarify.</p>	<p>The Assignment scope expressly provides that the Bidder in the first instance is required to conduct overall detailed feasibility, at once only, of the Project, i.e. the total Available and Allotted Areas (refer to the 4.1. Phase-I Transaction Preparation under Section V – Terms of Reference). After completing initial phase and its proper due diligence – the Project's marketability, sustainability, and bankability to achieve the best value for money – the Bidder, shall propose a feasible concessions number or procurement cycles, which (the Proposed Concessions) will finally be decided and approved by the PPP Policy Board.</p> <p>The Procuring Agency envisages that the Project has a sufficient Available Area as per existing land record. It may require the Bidder to undertake multiple procurement cycles or land parcel concessions up to four (4) (the 'Proposed Concessions'), which the Bidder must consider to incorporate while preparing and submitting Bid to the Procuring Agency. In case the Proposed Concessions varies – increases or decreases – from the proposed number of four (4), then the payment in that case shall be adjusted using a pro-rata basis, i.e. 3.5% of the Bid or Contract Price per concession or procurement cycle.</p> <p>This pro-rata method is provided in the RFP Document while taking into the account the Assignment's estimated cost, market assessment, level of efforts required for similar nature of multiple procurement cycles. However, the payment method is directly linked with the successful Bidder's Bid or Contract Price to ensure adherence with the procurement principles laid down under the governed procurement framework.</p>

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