



FIJI REVENUE AND CUSTOMS SERVICE

Terms of Reference

Tender Reference	EOI No. 09/2023
Tender Title	Panel of Lawyers
Release Date	Tuesday 25 th April, 2023
Submission Response Close	Friday 05 th May, 2023, 12PM FJT

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Advertisement

The following is the advertisement for Fiji Revenue and Customs Service as it originally appeared in the local media and should be used as the basis to submit your responses:

**FIJI REVENUE AND
CUSTOMS SERVICE**

EXPRESSION OF INTEREST

EOI No. 09/2023 – Panel of Lawyers

The Fiji Revenue and Customs Service (FRCS) invites submissions from interested reputable Law Firms to be appointed as Panel of Lawyers for the provision of Legal Services to FRCS.

The Terms of Reference is available on the FRCS website page:
<https://www.frcs.org.fj/tenders/>

For further information, please email on tenders@frcs.org.fj

All tenders must be submitted in a sealed envelope and clearly marked as “EOI No. 09/2023 – Panel of Lawyers” and should be addressed to:

**The Chairman
FRCS Tender Board
Fiji Revenue and Customs Service
Private Mail Bag
Suva, Fiji.**

Tenders should be dropped in the Tender Box located at FRCS Complex, Building 2 – Level 4, Corner of Ratu Sukuna Road and Queen Elizabeth Drive, Nasese, Suva, Fiji **no later than 12pm FJT on Friday 05th May, 2023.**

No other methods of Submission will be accepted.

A world class revenue service delivering excellence in revenue collection, border protection, trade and travel facilitation

Section 1 – Invitation to EOI

EOI No. 09/2023 Panel of Lawyers

1. Fiji Revenue and Customs Service (FRCS), invites written signed proposals from eligible Law Firms for the given subject.
2. The following attachments form part of the Bidding Documents:
 - Section 1 – Invitation to EOI
 - Section 2 – General Terms and Conditions
 - Section 3 – Bid Data Sheet
 - Section 4 – Schedule of Returnable Forms
 - Schedule A: Declaration by Bidder – Conformity
 - Schedule B: Bidder Information
 - Schedule C: Service Commitment, Experience & Referees
 - Schedule D: Key Personnel
 - Schedule E: Declaration by Bidder – Price
 - Schedule F: Proposed Legal Fees
 - Section 5 –Specification
3. Competitive bidding will be conducted under FRCS procurement procedures and guidelines and is open to all eligible Law Firms.
4. Interested bidders can access the tender specifications from the FRCS website page: <https://www.frsc.org.fj/tenders/> at no cost. All documents are in the English language.
5. It is the bidder's responsibility to ensure that the submission is dropped in the Tender Box located at FRCS Complex, Building 2 – Level 4, Corner of Ratu Sukuna Road and Queen Elizabeth Drive, Nasase, Suva, before the specified closing time.
6. Bidders are required to submit compliance certificates/letters from FNPF, FRCS & FNU, as part of their bids. Failure to comply with the requirements of the Bidding Documents may invalidate your submission.
7. Bidders seeking further clarification/information on the EOI and/or the process should contact via email on tenders@frcs.org.fj
8. Bid responses must be hand delivered before **12pm FJT on Friday 05th May, 2023**.
9. Late submissions will not be accepted.
10. The lowest or any submission may not necessarily be accepted.
11. FRCS reserves the right to accept or reject any Bid, and to annul, in whole or in part, or to suspend the bidding process and reject all Bids at any time and without reason prior to award, without thereby incurring any liability to the affected Tenderer or Tenderers.

Section 2 – General Terms and Conditions

The following General Terms and Conditions will apply.

1.1 Format of Response	Each bidder must provide a formal letter of transmittal that must: - Be signed by an authorized representative of the organization and must state that the signing official is authorized to legally bind the organization. - Include the names, titles, office addresses and office telephone numbers of the persons authorized by the organization to conduct negotiations on the proposal, including their expected roles in negotiations; and - Provide a contact name, address, landline number and email address which FRCS will use in serving notices to the bidder.
1.2 Late Submissions	Submissions received within five minutes of the closing time will be accepted. Five minutes is allowed as variation for any timing difference.
1.3 Applicants to Inform Themselves	Each applicant should: - Examine this specifications document; and any documents referred to within; and any other information made available by FRCS to the applicants. - Obtain any further information about the facts, risks and other circumstances relevant to the tender by making all lawful inquiries. - Ensure that the submission, and all information on which its proposal is based, is true, accurate and complete. By submitting their proposal, applicants will be deemed to have: - Examined the tender specifications and any other information made available in writing by FRCS to the applicants. - Examined all information relevant to the risks, contingencies, and other circumstances having an effect on their proposal and which is obtainable by the making of reasonable inquiries.
1.4 Bidder's Risk	FRCS accepts no responsibility, liability, or obligation whatsoever for costs incurred by or on behalf of any bidder in connection with the EOI or any participation in the tender process.
1.5 Selection of Preferred Applicant	- No proposal will necessarily be selected by FRCS as the preferred solution/s. The FRCS Evaluation Committee may decide not to accept any proposal or reject all proposals at any time. FRCS reserves the right to cancel this tender and pursue an alternative course of action at any time. - Selection of Preferred Applicant will not be acceptance of the proposal and no binding relationship will exist between the preferred applicant(s) and FRCS until a written agreement acceptable by FRCS is executed by an authorized officer of FRCS and the successful applicant(s).

1.6 Conduct of Applicants	Conduct of Applicants or any of their consortium members, may affect the outcome of their tender responses, including non-consideration of the proposal. Applicants warrant to FRCS that they (and their consortium members) have not and will not engage in any of the following activities in relation to this tender process: - Lobbying of or discussions with any politician or political groups during this tender process. - Attempts to contact or discuss the tender process with officers, any member or staff or contractor currently working in FRCS or any agent of this Department, Exception to Evaluation Committee members. - Provision of gifts or future promise of gifts of any sort to the previously mentioned personnel. - Accepting or providing secret commissions. - Seeking to influence any decisions of FRCS by an improper means; or otherwise acting in bad faith, fraudulently or improperly.
1.7 Currency	All currency in the proposal shall be quoted in Fiji Dollars and prices shall be VAT Inclusive.
1.8 Corporate Information	Each applicant must provide the following information: - Details of the corporate and ownership structure, including identification of any holding company or companies and parent companies (Business license and Business Registration); - Profiles of the company and any parent entity. If the company is a subsidiary, the applicant must provide full details of the legal and financial relationship between the subsidiary and parent. The names of all directors and officers of the company. - A full description of the current operations of the company including the most recent audited financial statement. - A copy of the company's Certificate of Incorporation. - Confirmation that the company has the capacity to bid for the Services and that there is no restriction under any relevant law to prevent it from bidding. - Provision of details of any legal proceedings that are being done against the company.
1.9 Qualifications and Capability	Each Applicant must: - Be FNPF, FRCS, FNU & VAT compliant (letters to be attached). Tax Identification Number (TIN) must be quoted in the submission. - Be able to demonstrate that it will be able to meet its financial obligations under this tender. - The bidder has to have direct partnership with the supplier (Partner Certificate to be included with proposal) and must be an authorized reseller, distributor and service center.

1.10 Mergers, Acquisitions, Sales of Applicant	Where such information is publicly accessible, the Applicant must indicate whether any mergers, acquisitions or sales are planned presently or during the year following the submission of the proposal.
1.11 Enquiries	• All questions and enquiries regarding this tender are to be made in writing via email or official letter. • All questions and inquiries will be responded to in writing by email. • Verbal responses will not have any binding on either party.
1.12 Confidentiality	• All Companies shall keep strictly confidential any and all information contained in this ITT, and other information or documents made available to it by or on behalf of FRCS in connection with this ITT. The firms shall not disclose, nor allow any such information to be disclosed. • Any effort by a Tenderer to influence the FRCS in its decisions on Tender evaluation, Tender comparison, or Contract Award may result in the rejection of the Tenderer's Bid.
1.13 Price Bid	The Price(s) should include all non-exempt duties, taxes, and other levies payable by the Tenderer under the contract/purchase order and must be as per the Price Schedule/Bid Form provided.
1.14 Bid Validity Period	The bid shall remain valid for 90 calendar days after the deadline of the receipt of the bids.
1.15 Notification of Award	FRCS will notify the successful Tenderer in writing prior to the expiration of the period of Bid Validity. FRCS may sign a contract with the successful Tenderer and issue a Purchase Order for a set duration.
1.16 Extension of Validity Period	• In exceptional circumstances, prior to the expiration of the proposal validity period, FRCS may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing and shall be considered integral to the Proposal. • If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change to the original Proposal. • The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.

Section 3 – Bid Data Sheet

BDS No.	Description	Instruction
1.	Term of Engagement	Panel for a Year (subject to additional year)
2.	Contract Form	- The provisions of the Contract Template are only indicative of the terms and conditions that the parties may ultimately agree to enter and will become binding on the parties after the Tender has been awarded and upon finalization and execution of the contract. - Purchase Order and Contract for Goods and Services.
3.	Mandatory Supplementary Documents	- Company Profile including Organization Structure - Key Resources (staff & equipment) - FRCS Tax Compliance Letter - FNPF Compliance Letter - FNU Levy Certificate - Business Registration 3 minimum written Clients Reference with contact details 2 minimum written Supplier Reference 3 minimum Past Project Experience of Similar Value and Nature
4.	Deadline / Submission	Date: Friday 05th May, 2023 Time: 12pm FJT Mode: Submission to be dropped in the Tender Box located at FRCS Complex, Building 2 – Level 4, Corner of Ratu Sukuna Road and Queen Elizabeth Drive, Nasese, Suva. Tender to be in a sealed envelope and clearly marked as “EOI No. 09/2023 – Panel of Lawyers”.

Section 4 – Schedule of Returnable Forms

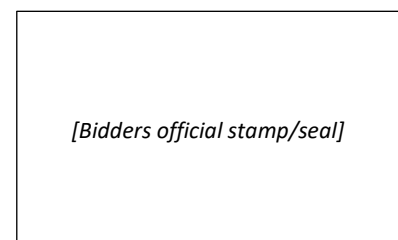
Schedule A: Declaration by Bidder – Conformity

Tender Reference:	EOI No. 09/2023
Tender Title:	Panel of Lawyers

1. We, confirm to have examined the EOI Documents, attended the Pre-Bid Site Meeting (if any) and hereby acknowledged any addendums thereof, offer to supply the goods, services or works set out in the ITT, the Specifications, Drawings and accompanying documents for the price(s) specified in the Price Schedule.
2. Declare that we have read and clearly understood all Sections of this ITT , including the GTC & TOR, if required we will sign and return any section of ITT to form part of the Contract Document.
3. We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium /Association members or subcontractors or suppliers for any part of the contract:
 - a. have no conflict of interest, is not under procurement prohibition by the FRCS or been suspended, debarred, sanctioned or otherwise identified as ineligible;
 - b. have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future;
 - c. Undertake not to engage in proscribed practices, including but not limited to corruption, fraud, coercion, collusion, obstruction, or any other unethical practice, with the FRCS or any other party, and to conduct business in a manner that averts any financial, operational, reputational, or other undue risk to FRCS.
4. We declare that all the information and statements made in this Proposal are true and we accept not to deviate, unless the Scope of Work will change by the FRCS;
5. Agree that the FRCS has the right to deduct the full Bid Security Sum (if any) in case of any breach to the terms of conditions of the ITT or in case where we decided to reject the offer by the FRCS after the Letter of Award has been issued by the FRCS;
6. I understand that the FRCS reserves the right, unless the tenderer stipulates to the contrary in the tender, to accept such portion thereof as FRCS may decide. FRCS is not bound to accept the lowest or any tender.
7. Confirm that our submission shall be valid and remain binding upon us for the period specified in the Bid Data Sheet.

I, the undersigned, certify that I am duly authorized to sign this Proposal and bind it should FRCS accept this Proposal.

Authorized Representative Signature : _____
Authorized Representative Name : _____
Designation : _____
Company Name : _____
Date : _____



Schedule B: Bidder Information

Bidder Registered Name	[Complete]
Legal Address	Street Address: [Complete] Postal Address: [Complete] Office Number: [Complete] Website (if any): [Complete]
Year of Registration	[Complete]
List of Director(s)/Shareholder(s)	[Complete]
Bidder's Authorized Representative	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
Countries of Operation	[Complete]
No. of full-time Employees	[Complete]
No. of Technical Employees	[Complete]
No. of Field Employees	[Complete]
Contact person FRCS may contact for requests for clarification during Proposal evaluation	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
Attach the following documents:	• Company Profile, <u>not</u> exceeding fifteen (15) pages with Organization Structure, Director (s), specialization, expertise, list of equipment, machinery and resources; • Project Profile, list of past experiences in similar nature and capacity with contact details; • Certificate of Incorporation/ Business Registration; • Valid Tax Compliance Certificate issued by FRCS; • Certificate of Tax Registration and Exemption (if any); • Valid FNPF Compliance Certificate; • Valid FNU Levy Compliance Certificate;

Schedule C: Service Commitment, Experience & Referees

C.1 – On-Going Services

List down contract/services currently engaged in the table below.

Client Name	Project Name & Location	Contract Value	% Progress & Approximate Completion time	Types of activities being undertaken

☐ Bidders may also attach additional information with the submission.

C.2 – Past Services Experience

List down Past Services Experience in the table below of similar scope & capacity to this EOI.

Client Name	Project Name & Location	Contract Value	Year of Completion	Types of activities undertaken

☐ Bidders may also attach Statements of Satisfactory Performance from the Top 3 (three) Clients or more, with the submission.

C.3 – Cliental Referees

List down atleast 3 Cliental Referee details in the table below.

Name of Referee	Project Name & Location	Reference Contact Details	Contract Value	Types of activities undertaken
1.				
2.				
3.				

☐ Bidders may also attach Statements of Satisfactory Performance from the Top 3 (three) Clients or more, with the submission.

Schedule D: Key Personnel

List the key staff personnel that will be engaged for this project.

Name	Current Position	Experience	Qualification	Role for this Project and % Contribution
				Lead Principal % - [Complete]
				Senior Principal % - [Complete]
				Principal % - [Complete]
				Associate % - [Complete]
				Associate % - [Complete]
				Associate % - [Complete]

☐ Bidders to attach resume of nominated key staff personnel required for the project as assigned above.

Schedule E: Declaration by Bidder – Price

Tender Reference:	EOI No. 09/2023
Tender Title:	Panel of Lawyers

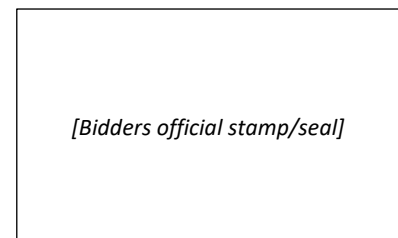
We, the undersigned, submit our Price for the above project in accordance with the Terms of Reference prepared by FRCS.

The whole of the works shall be completed and carried out to the entire satisfaction of FRCS for the sum of [Insert amount in words and figures (VIP)].

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet. We understand you are not bound to accept any Proposal you receive.

I, the undersigned, certify that I am duly authorized to sign this Proposal and bind it should FRCS accept this Proposal.

Authorized Representative Signature : _____
Authorized Representative Name : _____
Designation : _____
Company Name : _____
Date : _____



Schedule F: Proposed Legal Fees

No.	List of Legal Services	Unit Price (VEP)
1.	Lead Principal (rate/hr or service)	
2.	Senior Principal (rate/hr or service)	
3.	Principal (rate/hr or service)	
4.	Associate 1 (rate/hr or service)	
5.	Associate 2 (rate/hr or service)	
6.	Associate 3 (rate/hr or service)	
7.		
8.		
9.		
10.		

Bidders are to further itemize and list all & relevant applicable services. Specifics will be discussed with the successful panel upon selection.

Section 5 –Specification

Preliminaries:

1. This document shall form part of the contract for the works and/or basis of any purchase under this ITT. No conditions or standard requirements either expressed or implied in Bidders submissions and quotation shall override this Scope of Works/Specification and the Contract documents.
2. The Contactor shall furnish all labour equipment, transportation, and services as necessary to complete all the works included in this ITT specifications.

Corporate Information:

1. Confirmation that the company has the capacity to bid for the Services and that there is no restriction under any relevant law to prevent it from bidding.
2. Provision of details of any legal proceedings that are being done against the company.

Qualifications and Capability:

Each Applicant must:

- Hold a Valid Legal Practitioners Certificate;
- Compliant with any requirements under the Legal Practitioners Act of 2009;
- No adverse records with the Legal Practitioners Unit;
- Disclose any conflict of Interest or Potential Conflict of Interest with FRCS;
- Be able to demonstrate that it will be able to meet its obligations under this EOI.

Conditions and Information:

Applicant should be able to demonstrate and provide the followings:

- Background containing the Company Profile, Geographic Coverage, Year founded, number of Attorneys, location of offices, experience and practice areas;
- Resume and copies of Practicing certificates of the Principals and Associate Lawyers;
- A proposal of legal services (including specialised areas of law);
- Copy of current and adequate Professional Indemnity Insurance coverage.

Note:

Law firms intending to submit an EOI are required to take note of the following:

- The Principal(s) must be currently practicing lawyer(s) and have at least a minimum of 10 years' experience, and all other lawyers within the firm must hold valid Practicing Certificates;
- The firm must have substantial knowledge and experience in conducting litigation and in dealing with corporate/commercial law, insurance law, construction law, land law, and in-depth knowledge and experience with Fiji's regulatory laws dealing with Government;
- Law Firms currently providing such services must apply afresh submission to be considered for appointment to FRCS's Panel of Lawyers;
- Mere submission of an EOI does not entitle a firm to an appointment to the panel listing;
- No commitment of any kind, contractual or likewise shall exist unless and until a Service Level Agreement has been executed between FRCS and the successful applicant(s).