



**PROJECT IMPLEMENTATION UNIT  
EDUCATION CITY PROJECT  
INVESTMENT DEPARTMENT**

No.PIU/E.CITY/I.D/General/2021/369  
Karachi, Dated: 10<sup>th</sup> January 2024

ALL PARTICIPATING BIDDER

Subject: **HIRING OF A CONSULTANT FOR FEASIBILITY STUDIES &  
TRANSACTION ADVISORY SERVICES FOR EDUCATION CITY**

I am directed to refer to subject noted above and to state that all queries submitted by the interesting bidders and accordingly addressed by PIU are enclosed herewith for your ready reference, please.

*dr aw 10/01/24*  
(PROJECT COORDINATOR)

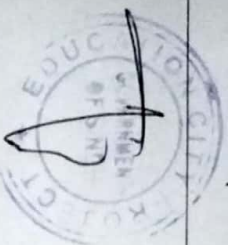
Copy for information to:

1. PA to Project Director, Education City Project
2. Office Copy



## QUERIES BY THE PARTICIPATING BIDDERS

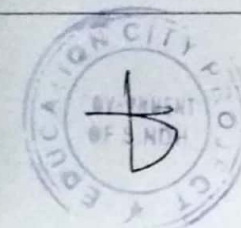
S.NO	REFERENCE	QUERIES	Remarks by PIU
1	<b>RFP- SECTION 1 (INVITATION LETTER)</b>  Project Implementation Unit of Education City, Government of Sindh (the "Procuring Agency"), invites "Technical and Financial Proposals" for Feasibility Studies and Transaction Advisory Services including primarily drawing of projects) in Education City under Public Private Partnership and/or Real Estate Investment Trust (REIT) mode (the Assignment), from prospective firms/consortiums. (Emphasis added)	Kindly confirm whether the Project Implementation Unit of Education City, Government of Sindh is the procuring agency for the Project, in terms of the Sindh in Public Procurement Act, 2009.	Yes, Project Implementation Unit of Education City Project, is procuring agency as per SPP Rules 2010
2	<b>2.RFP – SECTION 2 (INSTRUCTIONS TO CONSULTANTS)</b>  <b>2.1 DEFINITION</b>  Project means hiring of Consultant/Consortium for Identification of projects carrying out primarily design accordingly feasibility studies and providing transactions advisory for development of various projects like Expo Center: World Trade Center, Sports Complex, residential hostels, commercial hubs, Trams service, and other infrastructural projects to be identified by the consultant in the feasibility study etc. under PPP or REIT mode".	(1) We understand that the number of concessions to be developed in the Project shall be determined by the procuring agency (in light of the feasibility studies conducted in phase 1). Kindly confirm.  (2) The number of concessions to be developed appears to be indeterminate. In order to achieve the best possible value for money for the procuring agency bidders may be allowed to quote for a single concession including, inter alia, the relevant legal and regulatory assessment) and in the event of multiple concessions being decided upon by the procuring agency, such quote may be applied accordingly per concession.	1) As per the assignment, the feasibility study will identify a number of projects to be executed in PPP mode or otherwise. The referred feasibility study will be placed before the Education City Board for necessary consideration and approval. The Board will also approve the number of commercially viable projects to be undertaken by the consultant for next step i.e. Transaction Advisory  2) A number of concessions have to be identified by the consultant in the instant assignment. The consultant may review the validated Master Plan document (to be provided by the procuring agency) to have a clear picture of commercial viable projects which are supposed to be developed in Education City.





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		<p>including inter alia the financial bidding form <i>Form FIN-2</i> (Summary of Costs), to account for transaction implementation costs distinctly, on the following assumptions:</p> <ul style="list-style-type: none"> <li>i. all concessions decided upon by the procuring agency shall be of a similar nature, in terms of inter alia process of procurement/bidding, project mode, nature of activities to be undertaken by the concessionaire and legal framework of the relevant projects; and</li> <li>ii. the quoted 'per concession' consultancy fee shall be for a period of two (2) years, after which such quoted fees shall be subject to an escalation of ten percent (10%) per year.</li> </ul>	
3	<p><b>RFP - SECTION 2 (INSTRUCTIONS TO CONSULTANTS)</b> 2.27 CONSORTIUM AGREEMENT</p> <p>v. An undertaking that the firms are jointly and severally liable to the Authority for the performance of the services; (Emphasis added)</p>	<p>In light of precedent transactions and for suitable allocation of liability in line with each consortium members scope of work, the procuring agency is kindly requested to delete the terms "jointly and" from the relevant provision.</p>	<p>Not agreed</p> <p>Since the assignment requires joint collaboration to fulfil the requirements of the Procuring Agency, therefore, the liability should be shared by all members of consortium</p>
4	<p><b>RFP – SECTION 2 (INSTRUCITONS TO CONSULTANT)</b> 2.27 CONSORTIUM AGREEMENT</p> <p>27.2 In case of Consortium, it is expected that the lead partner member would be authorized to incur liabilities and to receive instructions and payments for and on behalf of the consortium.</p>	<p>In order to avoid double taxation and to enable efficient pricing of service. It is requested that the procuring agency may make payments directly to member of the advisory consortium, against the invoice raised by such member in relation to completion of respective deliverable (s).</p>	<p>Agreed.</p> <p>This issue can be resolved while signing an agreement.</p>





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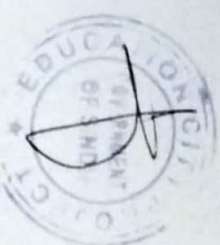
	For a consortium to be eligible for bidding, the experience of lead partner and other partner should be indicated. (Emphasis added)		
5	<b>RFP SECTION 2 (INSTRUCTIONS TO CONSULTANT)</b>  2.28 SCHEDULE OF DELIVERABLES	It may be noted that the payment breakup (as set out in the table under the referenced section) currently provides for fifty percent (50%) of the consultants' fees being due upon signing of concession agreements and achievement of financial closure.  In light of precedent procurements for consultancy services and with a view towards enabling consultants to budget for expected costs adequately, It is requested that the payment breakup (for each respective phase) may be amended as follows:  (1) Phase 1 (Feasibility): <b>40%</b> (2) Phase 2 (Transaction Procurement): <b>50%</b> (3) Phase 3 (Transaction Negotiation and Financial Closure): <b>10%</b>	Not agreed  The schedule of payment shall remain same as per RFP document.
6	<b>RFP - SECTION 2 (INSTRUCTIONS TO CONSULTANTS)</b>  2.28 SCHEDULE OF DELIVERABLES Phase-3: Transaction Negotiation and Financial Closure - Timeline (from allocation of the project (Emphasis added))	To ensure consistency of terms used in the schedule of deliverable, the underlined portion in the referenced heading may be amended to "from award of the contract".	Agreed  Necessary rectification has been made.
7	<b>RFP - SECTION 2 (INSTRUCTIONS TO CONSULTANTS)</b> 2.3 TIMETABLE Bids Submission Deadline: 8th January, 2024 at 1430 hrs	In the interest of preparation of a complete and competitively priced bid, it is requested that the bid submission deadline be extended by two (2) weeks.	Deadline has been extended till 15 <sup>th</sup> January, 2024





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8	<p><b>RFP - SECTION 5 (TERMS OF REFERENCE)</b></p> <p>5.1 The Project Implementation Unit of Education City is inviting consulting service proposals from reputable consulting firms/consortiums to conduct primarily designs, feasibility studies, and to provide transaction advisory services for development of multiple projects within Education City to be rolled out under the Public Private Partnership (PPP) Mode (the "Project"). (Emphasis added)</p>	<p>We note that there is no reference implementation of the project as a REIT in the underline extract. The procuring agency is requested to make the required amendments.</p>	<p>The mode of execution of the commercial viable project has to be determined by the consultant in the feasibility study.</p>
9	<p><b>RFP - SECTION 5 (TERMS OF REFERENCE)</b></p> <p>a) <b>Project studies and policy directives study:</b></p> <p>As part of the services, the consultant shall undertake project assessment including but not limited to reviewing the existing project development, need and demand analysis and recommendation regarding the project. The recommendation should be based on, indicative timelines of project launch, local dynamics and supply chain and import substitution. Additionally, for the project, the consultant shall review, improve and prepare, if required, <u>Relevant Policies to place by the government for promotion of the project and propose further policy mandates to incentive proposed project in the Education City.</u> (Emphasis added)</p>	<p>The procuring agency is requested to clarify the underlined portion in relation to:</p> <p>(1) the policies already in place by the government for the present project: and</p> <p>(2) any example of a proposed "further policy mandate" and expected to be undertaken by the consultants with respect to the same.</p>	<p>All the relevant applicable laws, rules and policies have to be taken care while proposing projects in the feasibility study.</p> <p>The instant exercise is meant to attract investors in the Education City project, if during the course of feasibility study, consultant may find any rules/laws and policies, which are impediment to attract investment in commercial viable project and required necessary amendment to make the Education City as an ideal destination for investment. Subsequently, the consultant will proposed the required amendments in rules/laws and policy(ies) with rationale enabling procuring agency to take it up with relevant authorities.</p>





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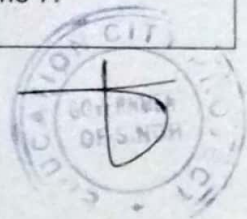
10	<p>RFP - SECTION 5 (TERMS OF REFERENCE)</p> <p><b>Legal Viability Assessment Report</b></p> <p>Prepare "Legal Viability Assessment Report" that outlines the scope, objectives, and requirements for conducting an assessment to determine the legal viability of a particular project, initiative, or proposal. (Emphasis added)</p>	<p>The procuring agency is requested to clarify the difference between the Legal and Regulatory Assessment and Legal Viability Assessment Report.</p>	<p>Legal and Regulatory Assessment is part of Feasibility Study and focuses on the legal perspective of a project. It involves Laws, regulations, rules both provincial and federal which are required for establishing the project. It also includes identification and remedial measure of legal hindrance in the development of the proposed project.</p> <p>Legal Viability Assessment is a part of Transaction procurement and this type of assessment is considered as more comprehensive and includes an economic viability analysis. It also checks the project for feasibility across several dimensions, including technical feasibility, legal feasibility, and environmental and social sustainability.</p>
11	<p>RFP – SECTION 5 (TERMS OR REFERENCE.)</p> <p><b>Land Status</b></p> <p>This TOR defines the consultant's role in assessing and planning for land acquisition and resettlement as part of the project. The consultant is tasked with conducting impact assessments, community engagement, and legal compliance to develop a comprehensive plan that minimizes social and environmental impacts, ensuring compliance with relevant laws and standards.</p>	<p>It may be noted that the legal advisor shall only assist the technical advisor in preparing the land acquisition and resettlement plan, by conducting a desktop review of the land documentation provided by the procuring agency/technical advisor in relation to the project. Please confirm.</p>	<p>In the referred ToRs section, the consultant is expected to conduct impact assessment, community engagement and legal compliance to chalk out comprehensive plan that minimise social and environmental impact ensuring compliance with relevant laws and standard</p>





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12	RFP – SECTION 6 (EVALUTATION CRITERIA AND SCORING SYSTEM)  6B – SCORING SYSTEM	The technical evaluation criteria with respect to the legal team does not take into account a degree in law undertaken in the United States known as the Juris Doctor (JD) degree. Note that in the United States, a JD is a post-graduate degree being a three-year program undertaken after a four-bachelor degree,	The bidder is requested to submit Juris Doctor Degree with document evident of its equivalency with LLM/Bar.
13	Legal Team - Weightage	It is requested that the qualification of JD maybe added as equivalent to LLM/Bar at Law and be allocated the highest weightage accordingly.	
14	RFP – SECTION 2.18.8 (BASIC ELIGIBILITY CRITERIA)  "The Bidder (in case of consortium, the lead partner) shall have an average annual turnover of last three (03) years of at least PKR 440,000,000/- (Pak Rupees four hundred forty million Only)".	The financial requirement intentionally limits the pool of qualified consultants by excluding smaller firms or those with specialized expertise. This could restrict the diversity of proposals and potentially miss out on valuable contributions." Therefore, we suggest lowering the average financial requirement upto PKR 20 million or consolidated average turnover of consortium upto Rs.200 million which would encourage broader participation from qualified firms, fostering competition and a wider range of innovative solutions."	Referred para 2.16(iv) of guideline of SPPRA for procurement of works.
15		We understand that the true spirit of public procurement regulation is to promote open competition. Therefore, we suggest that the limitation of the Lead Partner being only the Financial Member should be removed to allow any qualifying member to lead the transaction and assess the financial requirement as consolidated financials of consortium rather than Lead only and	Since the quantum in scope of work mainly belongs to Financial member of the consortium therefore it was pertinent that, Financial member should be a lead firm.  The query regarding extension in bid date has already been addressed at S.no 7.





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		to extend the period for bid submission at least 15 days further.	
16		We require clarity on the fact that how many projects are being envisaged as per the Approved Master Plan under the Education City as the RFP does not specify the number of projects. Moreover, it is requested if the Approved Master Plan for Education City could be shared with us as that would provide clarity on the same.	<p>The query regarding number of project is already addressed at S.no 2.</p> <p>Further, Master Plan of the project is available on procuring agency's website i.e. <a href="http://www.educationcity.gos.pk">www.educationcity.gos.pk</a></p>

