

**SPECIFICATIONS FOR
Expression of Interest (EOI)**

EOI 2024 – Panel of Lawyers for Provision of Legal Services

Advertisement

The following are excerpts and addendums from the advertisement for Airports Fiji Pte Limited (“AFL”) as it originally appeared in the local media and should be used as the basis to submit your proposals:

Terms and Conditions:

The following Terms and Conditions will apply:

1. Format of Response

The Law Firm must provide a formal letter of transmittal that must:

- a) Be signed by an authorized representative of the organization and must state that the signing official is authorized to legally bind the organization.
- b) 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.
- c) Provide a contact name, address, facsimile number, and email address which AFL will use in serving notices to the bidder.

2. Submissions

Each Law Firm should:

- a) Examine this specifications document; any documents referred to within; and any other information made available by AFL to the Law Firm.
- b) Obtain any further information about the facts, risks, and other circumstances relevant to the EOI by making all lawful inquiries.
- c) Ensure that the submission, and all information on which its proposal is based, is true, accurate, and complete.

By submitting their proposal, the Law Firm will be deemed to have:

- a) Examined the EOI specifications and any other information made available in writing by AFL to the Law Firms.
- b) Examined all information relevant to the risks, contingencies, and other circumstances having an effect on their proposal and which is obtainable by making reasonable inquiries.
- c) Ensured that the information provided in their proposal is true, accurate, and complete.

Reputable firms interested in providing legal services to AFL are required to submit their EOI Submissions with the following:

- a) A Valid Tax Compliance Certificate
- b) VAT registration
- c) FNFP compliance
- d) Business registration certificate/Certification of Incorporation
- e) A background containing the Company profile, experience, and practice areas
- f) Curriculum Vitae and copies of Practicing Certificates of the Principals and Associated lawyers
- g) A proposal of legal services (including specialized areas of law) offered
- h) Proposal must include their proposed Legal Fees for the said services
- i) Copy of current and adequate Professional Indemnity Insurance Cover.

Law Firms will be selected in accordance with the conditions set above and AFL Tender Procedures. AFL will only accept late submissions received within Five minutes of the closing time. Five minutes is allowed as a variation for any timing difference.

3. Law Firm's Risk

AFL accepts no responsibility, liability, or obligation whatsoever for costs incurred by or on behalf of any Law Firm in connection with the EOI or any participation in the process.

4. Selection of Preferred Law Firm

No proposal will necessarily be selected by AFL as the preferred solution/s. The AFL Evaluation Committee may decide not to accept any proposal or reject all proposals at any time. AFL reserves the right to cancel this EOI and pursue an alternative course of action at any time.

Selection of the Preferred Law Firm will not be acceptance of the proposal and no binding relationship will exist between the preferred Law Firm(s) and AFL until a Service Level Agreement is executed by an authorized officer of AFL and the successful Law Firm.

5. Conduct of Law Firm

Conduct of Law Firm or any of their consortium members may affect the outcome of their responses, including non-consideration of the proposal. Any Law Firm intending to apply warrants to AFL that they (and their consortium members) have not and will not engage in any of the following activities in relation to this EOI process:

- a) Lobbying of or discussions with any politician or political groups during this EOI process;

- b) Attempts to contact or discuss the EOI process with officers, any member or staff or contractor currently working in AFL or any agent of this Department; Exception to Evaluation Committee members.
- c) Provision of gifts or future promise of gifts of any sort to the previously mentioned personnel;
- d) Accepting or providing secret commissions;
- e) Seeking to influence any decisions of AFL by an improper means; or otherwise acting in bad faith, fraudulently, or improperly.

6. Currency

All currency in the proposal shall be quoted in Fiji Dollars (FJD) and prices shall be VAT Inclusive.

7. Requirements

Law Firm intending to submit an expression of interest (EOI) are also required to take note of the following:

- a) The Principal(s) must be current practicing lawyer(s) and have at least a minimum of 10 years' experience, and all other lawyers within the firm must hold a Valid Legal Practitioners Certificate;
- b) Law Firm must be compliant with any other requirements under the Legal Practitioners Act of 2009 and not have any adverse records with LPU;
- c) The firm must have substantial knowledge, expertise, and experience in conducting litigation and in dealing with all aspects and fields of law (such as tax, customs, employment, corporate/commercial law, insurance law, etc) and in-depth knowledge in dealing with Fiji's regulatory laws and dealing with government and/or commercial contract administration.
- d) Law firms that have been selected will be appointed to the Panel for a period of two (2) years, subject to annual performance evaluations.
- e) Law firms that are currently appointed as the AFL Panel of Lawyers must re-apply to be considered for appointment to the panel.
- f) Law firms applying must disclose any conflict of Interest or any Potential Conflict of Interest with AFL;
- g) Be able to demonstrate that it will be able to meet its financial obligations under this EOI or is bankrupt, or in the process of being bankrupt or being wound up.

8. Mergers, Acquisitions, Sales of Law Firm

Where such information is publicly accessible, the Law Firm must indicate whether any mergers, acquisitions, or sales are planned presently or during the year following the submission of the proposal.

9. Enquiries

- a) All questions and enquiries regarding this EOI are to be made in writing via email or official letter.
- b) All questions and inquiries will be responded to in writing by email.
- c) Verbal responses will not have any binding on either party.

10. Provision of Services

The successful Law Firm will provide the following Services to AFL:

- a) To provide litigation services to AFL as and when required;
- b) To advise AFL on any updates in relation to the assigned legal services;
- c) To represent AFL in any meetings, or discussions in relation to the specific legal cases that the Law Firm has been assigned to;
- d) The rendering of any other legal services that may be required from AFL from time to time.

11. Confidentiality

All information provided to the Law Firm by AFL and all communications between the Law Firm and AFL during the EOI process shall be treated as confidential and shall not be disclosed to any third party without the prior written consent of AFL.

12. Evaluation Criteria

The evaluation of the EOI submissions will be based on the following criteria:

- a) Compliance with submission requirements.
- b) Relevant experience and expertise in the practice areas specified.
- c) Qualifications and experience of the principals and associated lawyers.
- d) Proposed legal fees and overall value for money.
- e) Adequacy of professional indemnity insurance cover.
- f) Ability to meet AFL's requirements and deadlines.
- g) Any conflict of interest disclosures.

13. Anti-Bribery and Corruption

The Law Firm shall comply with all applicable laws, regulations, and codes relating to anti-bribery and anti-corruption including but not limited to the Fijian Independent Commission Against Corruption Act 2007. The Law Firm shall have and maintain in place its own policies and procedures to ensure compliance with these requirements. Any breach of this clause may result in immediate disqualification from the EOI process.

14. Insurance Requirements

The Law Firm must maintain professional indemnity insurance with a minimum coverage amount specified by AFL. Proof of insurance coverage must be provided as part of the EOI submission.

Further clarifications and questions please email Emmanueln@fijiairports.com.fj

Further information and tender conditions are detailed in the Request for Tender (RFT) document, which can be obtained by registering your interest at: <https://portal.tenderlink.com/afl>.

Submissions that do not adhere to the RFT guidelines and conditions will not be considered. This tender closes at 4.00 pm (1600hr Fiji Time) on **Friday, 25th October 2024**. Bidders are requested to submit electronic copies via the same registered TenderLink portal. Fiji Airports will not accept any hard copy tender submission.

Fiji Airports reserves the right to accept or reject any or all tenders and the right to negotiate with any respondent, without assigning any reasons.