



REQUEST FOR PROPOSAL (RFP)

LEGAL SERVICES

BRITISH VIRGIN ISLANDS PORTS AUTHORITY

Specification No. BVIPARFP2023/001

BACKGROUND

The British Virgin Islands Ports Authority (the BVIPA or the Authority) was established by the British Virgin Islands Ports Authority Act. No. 12 of 1990 as a separate corporate entity, solely owned by the Government of the Virgin Islands. It is governed by a 13-member Board of Directors, Seven of which are ex-officio members. The day-to-day administration of the Authority's operations is under the direction of the Managing Director, who is supported by a team of Directors and Managers. The Authority is the sole equity shareholder of Tortola Pier Park Limited, the company which manages the Cyril B Romney Tortola Pier Park, a shopping village adjacent to the Cruise Ship Terminal in Road Town, Tortola, British Virgin Islands.

The Authority's operations include 8 locations:

1. Port Purcell, Road Town, Tortola – cargo warehouses, equipment and dock
2. Cruise Pier Terminal & Cyril B. Romney Tortola Pier Park, Road Town, Tortola – a cruise terminal and adjacent shopping plaza.
3. West End Jetty, West End, Tortola - a ferry terminal and dock
4. Road Town Jetty, Road Town, Tortola - a ferry terminal and dock
5. Jost Van Dyke - a ferry terminal and dock
6. St. Thomas Bay, Spanish Town, Virgin Gorda - a cargo and ferry terminal and dock
7. Gun Creek, North Sound, Virgin Gorda - a ferry terminal and dock
8. The Settlement, Anegada - a cargo and ferry dock

TENDER FOR PROVISION OF LEGAL SERVICES FOR THE BRITISH VIRGIN ISLANDS PORTS AUTHORITY

The Authority invites sealed tenders from eligible candidates for the provision of legal services.

Interested and eligible candidates must be guided by the Form attached hereto as Annex 3, in preparing their Proposals.

Proposals must be submitted in **plain sealed envelopes delivered to the address below and placed in the tender box on or before 4:30 P.M. on Tuesday, 31 January 2023:**

Attention: Chairman of the Board

British Virgin Islands Ports Authority

Pasea Place, Road Town,

Tortola, VG 1110

BRITISH VIRGIN ISLANDS

Subject: BVIPA/RFP2023/001 – Tender for Provision of Legal Services

Proposals must be expressed in English and valid for a minimum period of 90 days.

During the preparation of Proposals by any prospective law firm, it shall remain the responsibility of the law firm to ensure that the proposal reaches the address above on or before the deadline. Proposals that are received by the Authority after the deadline indicated above, for whatever reason, shall not be considered for evaluation.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the Request for Proposal (RFP) and all other Annexes providing details of the Authority's requirements.

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by the Authority, the unit price shall prevail, and the total price shall be corrected. If the law firm does not accept the final price based on the Authority's re-computation and correction of errors, its proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by the Authority after it has received the Proposal.

Please be advised that the Authority is not bound to accept any proposal, award a Contract or Purchase Order, nor be responsible for any costs associated with a law firm's preparation and submission of a proposal, regardless of the outcome or the manner of conducting the selection process.

The Authority implements zero tolerance on fraud, corruption and other prohibited practices, and is committed to preventing, identifying and addressing all such acts and practices against the Authority, as well as third parties involved in the Authority activities.

Annex I

Description of Requirements

Context of the Requirement: Provision of Legal Services for the British Virgin Islands Ports Authority

Brief Description of the Required Services: To provide high-quality professional legal advice and services available to the Authority on a needs basis.

Description of Expected Outputs to be Delivered: See Terms of Reference in Annex II.

Person to Supervise the Work/Performance of the Service Provider: See Annex II.

Frequency of Engagement: As needed

Location of work: British Virgin Islands

Expected duration of work: Initial Framework Contract will be for One (1) year with the option of renewal.

Targeted start date: February 2023

Implementation Schedule indicating breakdown and timing of activities/sub-activities: During the agreement period (1 year), the selected Law Firm needs to be ready to undertake various assignments upon request by the Authority.

Qualified Staff: Names and curriculum vitae of individuals who will be involved in completing the services must be included in the response.

Currency of Proposal: United States Dollars (USD)

Value Added Tax on Price Proposal: Must be exclusive of VAT and other applicable indirect taxes

Validity Period of Proposals (from the last day of submission of the proposal): 90 days

In exceptional circumstances, the Authority may request the Proposed firm to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever to the Proposal.

Partial Proposal: Not permitted

Payment Terms: 100% payment within sixty (60) days from the date of submission of invoice of services validated by the Authority.

Type of Contract to be Signed: Agreement for one (1) year.

Criteria for Contract Award: Highest Combined Score (based on the 70% technical offer and 30% price weight distribution)

Criteria for the Assessment of Proposal: Technical Proposal (70%)

See the detailed technical evaluation criteria in the Annexure

Only firms obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

Financial Proposal (30%)

To be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by the Authority.

The Authority will award the contract to: One Law firm which offers the best value for money.

General Terms and Conditions of Contract: Agreement

Annexes to this RFP: Description of Requirements (Annex I), Details (Annex II), and Form for Submission of Proposal (Annex III).

Contact E-mail for Inquiries: dfahie@bviports.org, Director of Operations or jjthomas@bviports.org, Board Secretary

Any delay in the Authority's response shall not be used as a reason for extending the deadline for submission, unless the Authority determines that such an extension is necessary and communicates a new deadline to the Responders.

Annex II

Terms of Reference for the Provision of Legal Services to the British Virgin Islands Ports Authority

Consultancy Title: Provision of Legal Services to the British Virgin Islands Ports Authority

Estimated Duration of Contract: One (1) year

Estimated starting date: 23 February 2023

Scope of Work/Expected Output

The successful Law Firm will provide legal advisory services to the British Virgin Islands Ports Authority on a needs basis. In assisting the Authority, the Law Firm shall be expected to:

- i. Provide in-depth legal guidance to the executive staff on all matters that affect the Authority;
- ii. Prepare and provide advice on contracts and agreements between the Authority and certain other parties, when the need arises (internal and external);
- iii. Advise on establishment of a public appeals and redress mechanism;
- iv. Provide advice to the Authority on response to specific appeals as necessary;
- v. Provide advice on potential options for private-public partnerships as required;
- vi. Provide advice on any disputes with suppliers or other contractual parties;
- vii. Ensure that the Authority is in compliance with the laws of the Virgin Islands; and
- viii. Serve as the Authority's legal representative in any legal proceedings;
- ix. Preparing case files and representing the Authority in court disputes upon request;
- x. Handle and manage all court disputes and judicial reviews assigned to the law firm on behalf of the Authority;
- xi. Provide advice to the Authority on positions to take in respect of matters in which the Authority requires legal advice and guidance;
- xii. Be available to take up instruction on short notice;
- xiii. Give regular reports on the conduct of all matters including steps taken by the other parties and steps being contemplated or being taken on behalf of the Authority;
- xiv. Devise strategies on how to efficiently resolve and dispose of court dispute cases.
- xv. Prepare legal policies and procedures and/or improve any existing legal policies and procedures on behalf of the Authority.

Overall Objective

The main objective of this assignment is to have the full benefit of high-quality professional legal advice and services available to the Authority on demand.

Qualifications and experience required (Nature of the Law Firm)

The Law Firm must have the following attributes:

- i. Must be a Law Firm registered and operating in the British Virgin Islands and in good standing with the Virgin Islands Legal Professional Act, 2015.
- ii. Must have at least three Lawyers, one of whom must be of at least five (5) years standing at the BVI Bar.
- iii. Practitioners in the firm that will be providing legal advice to the Authority must all be members in good standing with the BVI Bar Association.
- iv. Evidence of past extensive and demonstrable experience in the practice of corporate law in the British Virgin Islands.
- v. Must have a reputation of strong advocacy and success in the practice of law in the British Virgin Islands.
- vi. Must be willing to declare a conflict of interest in all matters if there is a possibility of any.

Supervision/Reporting

The Law Firm is expected to work under the direct supervision of the Managing Director and the Board of Directors of the Authority.

Deliverables

The Law firm deliverables include:

- i. Preparing in-depth legal guidance to the executive staff on all matters that affect the Authority;
- ii. Providing advice on contracts and agreements between the Authority and all other parties (internal and external);
- iii. Advising on the establishment of a public appeals and redress mechanism;
- iv. Providing responses to specific appeals as necessary;
- v. Providing potential options for private-public partnerships as required;
- vi. Providing responses to any disputes with, staff members, suppliers or other contractual parties;
- vii. Providing guidance to ensure the Authority complies with the laws of the Virgin Islands; and
- viii. Serving as the Authority's legal representative in any legal proceedings which may arise from time to time;
- ix. Preparing case files and representing the Authority in court disputes upon a request;
- x. Handling and managing all court disputes assigned on behalf of the Authority;
- xi. Advising the Authority on positions to take in respective of matters;
- xii. Preparing reports on the conduct of all matters including steps taken by the other parties and steps being contemplated or being taken on behalf of the Authority;
- xiii. Devising strategies on how to efficiently resolve and dispose of court dispute cases.
- xiv. Preparing legal policies and procedures and/or improving legal policies and procedures for the Authority.

Payment Modality

The Authority will process payments to the Law Firm upon submission of invoices approved by the Authority based on services satisfactorily provided by the Law Firm.

Criteria for Selection of the Best Offer

Offers received will be evaluated using a Combined Scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.

Criteria to be used for rating the qualifications and methodology:

Technical evaluation criteria (total 70 points):

CRITERIA	Maximum Points	Weight
Technical:	100	70
Criteria A - Qualifications of the Service Provider:	20	
1. A Law firm registered and operating in the British Virgin Islands and has the financial status to undertake assignments for the Authority;	5	
2. Has a reputation for strong advocacy and success in the practice of law in the British Virgin Islands;	5	
3. Has demonstrable evidence of past extensive experience in the practice of corporate law in the British Virgin Islands;	5	
4. Has at least three (3) lawyers in good standing with the British Virgin Islands Bar Association.	5	
Criteria B – Technical Proposed Methodology for the Completion of Services:	60	
1. Described how it will address/deliver the demands of the RFP	20	
2. Provided a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place,	25	
3. Any concessions/discounts offered to the Authority.	15	
Criteria C - Qualifications of Key Personnel:	20	
1. The Firm has a Lawyer with at least five (5) years in good standing with the British Virgin Islands Bar association.	10	
2. Has a sound organizational structure and staff competencies	5	
3. Has confirmed each representative is available for the entire duration of the contract.	5	
Financial:	100	30

Only Firms/consortiums obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

Financial evaluation (total 30 points):

All technically qualified proposals will be scored out of 30 based on the formula provided below. The maximum points (30) will be assigned to the lowest financial proposal. All other proposals will receive points according to the following formula:

$$p = y (\mu/z)$$

where:

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

μ = price of the lowest priced proposal

z = price of the proposal being evaluated.

Annex III (a)

FORM FOR SUBMISSION OF PROPOSAL BY LAW FIRM

PART A – TECHNICAL

This form can be submitted using the Service Provider's Official Letterhead

Please including the following information:

Name of Service Provider (Firm):

Address of Service Provider:

E-mail address:

Contact number:

Name and title of the Service Provider's point of contact:

(The person to be contacted, should further clarification be required)

Date: _____

To:

The British Virgin Islands Ports Authority

Pasea Place

Road Town, Tortola VG 1110

British Virgin Islands

Attention: Chairman of the Board

Dear Madam

Subject: BVIPARFP2023/001 – Provision of Legal Services

We, the undersigned, hereby offer to render the following services to the Authority in conformity with the requirements defined in the RFP dated 5 January 2023 and all of its attachments:

Checklist of Submission:	Checked
Qualifications of the Service Provider	

<p>The Service Provider must describe and explain how and why the firm is the best firm that can deliver the requirements of the Authority by indicating the following:</p> <ul style="list-style-type: none"> • Profile – describing the nature of business, field of expertise, licenses, certifications, accreditations; • Business Licenses – Registration Papers, Tax Payment Certification, etc. • Track Record – list of clients for similar services as those required by the Authority, indicating description of contract scope, contract duration, contract value, and contact references; • Certificates and Accreditation – including Quality Certificates, Patent Registrations, etc. • Written Self-Declaration that the Firm does not have a conflict of interest in all matters. • Updated CVs of proposed key personnel 	
<p>Proposed Methodology for the Completion of Services</p> <p>The Service Provider must describe how it will address/deliver the demands of the RFP:</p> <ul style="list-style-type: none"> • providing a detailed description of the essential performance characteristics, • reporting conditions and quality assurance mechanisms that will be put in place, • Any concessions/discounts offered to the Authority with regards to community projects being undertaken by the Authority. 	
<p>Qualifications of Key Personnel</p> <p>The Service Provider must provide:</p> <ul style="list-style-type: none"> • Names and qualifications of the key personnel that will perform the services; • CVs demonstrating qualifications must be submitted if required by the RFP; and • Written confirmation from each personnel that he/she is available for the entire duration of the contract. 	

Signed and Submitted by Service Provider Authorized Person:			
.....	
.....	Signature	Designation	Date
Name (Block Letters)			

Annex III (b)

FORM FOR SUBMISSION OF PROPOSAL BY SERVICE PROVIDER

PART B – FINANCIAL

This form can be submitted using the Service Provider's Official Letterhead

Please including the following information:

Name of Service Provider (Firm):

Address of Service Provider:

E-mail address:

Contact number:

Name and title of the Service Provider's point of contact:

(The person to be contacted, should further clarification be required)

Date: _____

To:

The British Virgin Islands Ports Authority

Pasea Place

Road Town, Tortola VG 1110

British Virgin Islands

Attention: Director of Operations

Dear Sir,

Subject: BVIPARFP2023/001 – Provision of Legal Services

We, the undersigned, hereby offer to render the following services to the Authority for a period of one (1) year in conformity with the requirements defined in the RFP dated 5 January 2023 and all of its attachments:

