



SECURITIES AND EXCHANGE COMMISSION OF PAKISTAN

T# 18/20-21

Proposals for Pre-Qualification

The Securities & Exchange Commission of Pakistan invites sealed applications from chartered accountant firms based in Pakistan and registered with Federal Board of Revenue/Respective Revenue Boards for Income Tax and Sales Tax and who are on Active Taxpayers List (Income and Sales tax) of the Federal Board of Revenue/Relevant Tax Authority for:

“Investigation and Inspection Services”

Pre-qualification documents containing detailed terms and conditions, method of procurement, procedure for submission of applications, validity, opening of applications, evaluation criteria, clarification/rejection of applications etc. are available for the interested service providers from the undersigned free of cost and can also be downloaded from <https://www.secp.gov.pk/procurement/>

The applications prepared in accordance with the instructions in the pre-qualification documents, must reach undersigned on or before February 12, 2021 by 1100Hrs and will be opened on the same day at 1130Hrs.

In case of any query, Admin Department may be contacted on Telephone No. 051-9207091-4 (Ext-437/302) during office hours (Monday to Friday excluding Public Holidays)

M. Ubaidullah Khalid, Deputy Director (Admin)
NICL Building, 63 Jinnah Avenue, Blue Area Islamabad

Terms and Conditions for Proposals and Applicants

Pre-Qualification Identification Number: TENDER #18/20-21

1. The Procurement Agency is:

Securities and Exchange Commission of Pakistan
4th Floor, NICL Building, 63 Jinnah Avenue, Blue Area,
Islamabad.

2. Definitions

In this Pre-Qualification document, unless there is anything repugnant in the subject or context:

- I. “Annexure” means any of the Performa/template defined in this Pre-Qualification Document.
- II. “Contract” means an agreement signed between the pre-qualified applicant and SECP valid for three years.
- III. “Firm” means the chartered accountant firms registered with the Institute of Chartered Accounts of Pakistan (ICAP).
- IV. “Applicant” means the Firm who participated for prequalification.
- V. “Successful Applicant” means the firm prequalified as per evaluation criteria given in this Pre-qualification document.
- VI. “Purchase Committee” means a committee constituted by the Management of SECP with the approval of competent authority to deal with the Pre-Qualification.

3. Introduction

The Securities and Exchange Commission of Pakistan (SECP) set up in pursuance of the Securities and Exchange Commission of Pakistan Act, 1997 (“the Act”) is operational since January 1, 1999. The Commission is a statutory body autonomous in its functions and has investigative and enforcement powers under the Act and various laws and regulations administered by it. The current mandate of the SECP includes the following: -

- Regulation of the corporate sector and the capital market.
- Supervision and regulation of insurance companies,
- Supervision and regulation of non-banking finance companies and private pensions schemes.
- Oversight of various external service providers to the corporate and financial sectors, including chartered accountants, credit rating agencies, corporate secretaries, brokers, surveyors etc.

4. Proposals for Pre-Qualification

The Securities and Exchange Commission of Pakistan invites sealed proposals from well reputed Firms registered with the Institute of Chartered Accountants of Pakistan (ICAP) and Federal Board of Revenue/Respective Revenue Boards for Income Tax and Sales Tax and who are on Active Taxpayers List (Income and Sales tax) of the Federal Board of Revenue/Relevant Tax Authority for

“Investigation and Inspection Services”

5. Scope of Work / Terms of Reference (TORs)

The Pre-Qualified firms shall provide services as per the pre-specified scope of work /TOR’s detailed at Annex “A”.

6. Instructions to Applicants

The objective of “instructions to applicants” is to provide applicants the information to submit their proposal in response to this Pre-Qualification according to the requirements defined in this Pre- Qualification document and in the same order/sequence as set forth in this document.

7. Place of proposal destination is: **Securities and Exchange Commission of Pakistan**,
4th Floor, NICL Building, 63 Jinnah Avenue, Blue Area, Islamabad.

8. The envelopes shall bear the following additional identification marks:

Proposal for: ‘Investigation and Inspection Services’
Submitted By: XYZ
Attention: **M. Ubaidullah Khalid**
Deputy Director Admin
Securities and Exchange Commission of Pakistan
4th Floor, NICL Building, 63 Jinnah Avenue, Blue Area,
Islamabad

9. **The deadline for submission of proposal is:**

Date: February 12, 2021

Time : 1100 Hrs.

10. **The proposal opening shall take place at:**

Securities and Exchange Commission of Pakistan
4th Floor, NICL Building, 63 Jinnah Avenue, Blue Area,
Islamabad

Date: February 12, 2021

Time: 1130 Hrs.

11. A statement “**(Do Not Open Before 1130 Hrs on February 12, 2021)**” shall be clearly mentioned on the top of the sealed proposal.

12. Proposals received after the due date and time shall not be entertained.

13. Applicants shall provide all the documents as required in the pre-qualification document. Any shortcoming in the said requirements shall render the applicant disqualified.

14. Applicants are required to state, in their proposals, the name, title, fax number and email address of the applicant’s authorized officer/representative through whom all communication shall be directed until the process has been completed or terminated.

15. The applicants shall bear all costs/expenses associated with the preparation and submission of the proposal and SECP in no case be responsible/liable for any of the costs/expenses.

16. Each applicant shall submit only one proposal, multiple proposal submissions shall render the applicant disqualified.

17. The proposal’s validity period will be one hundred and fifty days (150) days, starting from the date of opening of the proposal.

18. The language of the proposal shall be English. Any printed literature furnished by the Applicant(s) in any other language must be accompanied by English translation, for the purpose of interpretation of the proposal.
19. The applicant(s) may, by notice in writing served on SECP, modify or withdraw the proposal after submission, but prior to the deadline for submission of the proposal.
20. Only such suppliers who are on **Active Taxpayers List** (ATL) of FBR are eligible to supply goods/services to SECP. Bids/Proposals/applications of all those bidders/service providers who are not found on ATL on the date of bid/proposal/application opening shall be rejected.
21. If any supplier is not on ATL at the time of payment then his payment shall be stopped till it appears on ATL of FBR.
22. The decisions of SECP will be binding on all the applicants.
23. SECP is not bound to accept any proposal in this regard and reserves the right to accept or reject any offer and to annul the pre-qualification process and reject all proposals under PPRA Rules.
24. Bids/proposals/applications from any bidder who is found or purported to be engaged or under investigation for offences related to fraud, under-invoicing, tax evasion, concealment, money laundering etc. shall be rejected without assigning any reason".
25. During the examination, evaluation and comparison of the proposals, SECP at its sole discretion may ask any applicant for clarifications of its proposal.
26. The request for clarification and the response shall be in writing/email.
27. Proposals submitted via email or fax shall not be entertained.
28. Applicants shall indemnify SECP against all third party claims of infringement of patent trademark, industrial design rights and intellectual property rights arising out of or from use of the goods / services or part thereof anywhere in Pakistan.
29. Any proposal received by SECP after the deadline for submission of proposal prescribed in these documents will be returned unopened to the concerned applicant. Delays in the mail or courier, delays of person in transit, or delivery of a proposal to the wrong office shall not be accepted as an excuse for failure to deliver a proposal at the proper place and time. It shall be the applicant's responsibility to determine the manner in which timely delivery of his proposal will be accomplished either in person, by messenger or by mail.
30. Applicant must submit following undertakings (on stamp paper of Rs.100 / the Applicant's letterhead):
 - a. that the application and contents thereof, the documents / details / information submitted along with the application are true to the best of their knowledge and belief and the application is liable to rejection, if the application or any of its contents or any of the document attached thereto is proved false and in that case legal action may be initiated against such applicant.
 - b. that the applicant has never been blacklisted by any Government / Semi Government/ any regulatory authority/Autonomous organization.
 - c. that no legal action has been taken by law enforcement agencies i.e. NAB, FIA etc.

against the applicant.

Note: In case any applicant is found in the list of “Blacklisted Firms-Pakistan” or related links at <https://www.ppra.org.pk/> then its application shall be rejected.

31. Selection Procedure:

- a. The envelope containing proposals shall be opened at the specified time and place in presence of the authorized representative of the applicants who is nominated for this purpose by the applicant.
- b. The applicants shall provide duly completed / filled in mandatory requirements for applicants to qualify along with supporting documents as provided therein. SECP shall evaluate the proposal according to the mandatory requirements for applicants to qualify/ reject any proposal, which does not conform to the specified requirements and finally concluded as “non- responsive”.
- c. Proposals qualifying mandatory requirement shall be evaluated as per evaluation Criteria Annex “D”
- d. SECP’s intent in issuing this Pre-Qualification document is to pre-qualify applicants that meet specifications/requirements as laid out in pre-qualification document and who fulfils all mandatory requirements.
- e. Successful applicants will have to sign a contract with SECP for this pre-qualification as per sample contract/agreement format.
- f. Pre-qualification will be for a period of three years.

32. Bidding after Pre-Qualification:

- a. Only the prequalified applicants will be entitled to take part in future/further bidding process.
- b. The specific scope of work of investigation/inspection will be shared with only prequalified Firms.

33. Meet or Exceed Requirements

The requirements provided in this document are the minimum requirements of SECP. The applicants must meet the minimum requirements.

34. Clarifications

- Clarification if any on the requirements may be obtained from:
- ubaidullah.khalid@secp.gov.pk

Scope of Work/Terms of Reference (TOR's)

The laws administered by SECP confers extensive powers on it to inspect records of various persons it regulates and to investigate the affairs of such persons as and when considered necessary by the Commission.

The brief description of services, that are required for inspections/ investigations of companies and/or other regulated persons under the purview of the SECP, include but not limited to the following:

1. Identify, describe, substantiate and fix responsibility with regard to non-compliances/violations of the laws administered by SECP including but not limited to the SECP Act, 1997, the Companies Act, 2017, the Securities Act, 2015, all predecessors/ successors of the aforesaid Acts and all subsequent amendments to the aforesaid Acts and all subordinate legislations promulgated there under in the manner and to the extent they are applicable to the entity under inspection/ inquiry/ investigation.
2. To check compliance of the applicable accounting and financial reporting standards for the entity under inspection/ inquiry/ investigation, and any laws that are not administered by SECP but have a bearing on the truth and fairness of financial reporting such as tax laws, property laws, industry specific laws/ regulations and any other relevant laws/ regulations in this regard to the extent they are applicable to the entity under inspection/ inquiry/ investigation.
3. Report the findings of inspection/ inquiry/ investigation along with necessary background and relevant information in a clear and concise manner along with legally admissible evidence in relation to any non-compliances of relevant provisions of applicable laws.
4. The Firm shall submit interim/final report (as per format prescribed by the SECP). The report submitted in this regard shall be self-explanatory and complete in respect of all the non-compliances/ violations recorded therein and the same shall be sufficient for initiating any legal proceedings.

Note: The specific TORs of each investigation/inspection assignment will be shared with prequalified Firms at the time of calling for bids

Annex “B”**Documents to be attached as part of the Expressions of Interest and Prequalification**

S/N	Attributes	Ref page # in Proposal
1	Complete profile of the applicant including name, registered office address, telephone, fax and e-mail address and web address, complete contact details of the contact person, details of branch offices and staff details (branch-wise).	
2	NTN, GST and PST registration Certificates	
3	Copy of latest satisfactory QCR certificate from ICAP and Registration Certificate of Audit Oversight Board	
5	List of partners in the firm/applicant within Pakistan, with their ICAP registration number in a format as prescribed in Annexure-E to this document	
6	List of qualified accountants employed (other than partners) in the Firm within Pakistan in a format as prescribed in Annexure-F to this document.	
7	List of similar assignments (investigation/inspection) undertaken during the last 5 years, on the format as prescribed at Annexure-G to this document.	
9	List of public interest companies & large sized companies (as defined in third schedule of Companies Act 1917) audited in last 5 Years, in a format as prescribed in Annexure-H to this document	
10	Copy of certificate of international affiliation	
11	Names and addresses of office including key contact person.	
12.	Declaration on stamp paper that the applicant/firm is compliant of IFAC Guidelines and Codes of Ethics as applicable in Pakistan	

Form of Proposal

M. Ubaidullah Khalid
Deputy Director
(Admin) SECP
Isb.

Sir

Reference your advertisement dated _____ for Investigation/Inspection Services.

1. We, hereby submit our complete proposal along with all the requirements as per the Pre- Qualification document. We acknowledge that SECP is not bound to accept any Proposal in this regard and SECP reserves the right to accept or reject any offer and to annul the pre- qualification process and reject all proposals without assigning any reason or having to owe any explanation whatsoever.
2. The decision of Commission shall be final and shall not be liable for any loss or damage to any party acting in reliance thereon.
3. We agree to abide by this pre-qualification for a period of one hundred and fifty days from the proposal opening date or any extension thereto granted and it shall remain binding upon us and can be accepted at any time before the expiration of this period.
4. We submit herewith our Proposal / Application, in original.
5. We undertake that all the information submitted by us is correct and true to the best of our knowledge and belief and that nothing has been concealed and/or misstated by us in the Proposal. In case any information is found wrong, misleading and/or misstated in this Proposal, the same may lead to rejection of our proposal and our disqualification.
6. Bids/proposals/applications from any applicant who is found or purported to be engaged or under investigation for offences related to fraud, under-invoicing, tax evasion, concealment, money laundering etc. be rejected without assigning any reason".

Authorized Signature:

Name and Title of

Signatory: Name & Address
of Firm/Applicant:

Evaluation Criteria

The following documents/certificates are the pre-requisite and will be used for **initial screening**. The Firm/Applicant will go in the next stage i.e. technical evaluation, if it fulfills all the requirements of initial screening which are as under:

Initial Screening/MUST Requirements:

- 1) Satisfactory QCR rated firms from ICAP;
- 2) Certificate of Registration with Audit Oversight Board;
- 3) Tax Registration Certificate; and
- 4) Declaration on stamp paper that the firm is compliant of IFAC Guidelines and Codes of Ethics as applicable in Pakistan

Note: Proposals found in compliance with afore-referred criteria shall be considered for technical evaluation.

Technical Evaluation:

The firm cleared from initial screening will be evaluated as per following criteria:

Sr. #	DESCRIPTION	MARKS ALLOCATION CRITERIA	MAXIMUM MARKS
1.	No. of Partners (<i>duly bifurcated as associate and / or fellow</i>) in the Firm within Pakistan (Detail to be provided as per ANNEX-E)	i. FCA – 5 Marks for each partner ii. ACA – 4 Marks for each partner	25
2.	Number of employed Qualified Accountants (<i>other than partners in the Firm</i>) within Pakistan (Detail to be provided as per ANNEX-F)	i. FCA/FCMA – 3 Marks / individual; ii. ACA/ACMA/ACCA/CIMA – 2 Marks / individual	20
3.	Experience of similar assignments (investigation/inspection) in last 5 years (Detail to be provided as per ANNEX-G)	i. Up to 2 assignments – 5 Marks; ii. Up to 5 assignments – 10 Marks; and iii. More than 5 assignments – 20 Marks.	20
4.	Audit Experience of Public Interest Company & Large Sized Company (as defined in the Third Schedule of the Companies Act, 2017) in last 5 Years (Detail to be provided as per ANNEX-H)	i. Up to 2 Co. – 5 Marks; ii. Up to 5 Cos. – 10 Marks; and iii. More than 5 Cos. – 20 Marks.	20
5.	Presence / Location of Firms in Karachi, Lahore, Islamabad, Peshawar, Quetta.	i. Presence @ one location – 2 Marks; ii. Presence @ two locations – 3 Marks; iii. Presence @ three locations – 5 Marks; iv. Presence @ more than three locations – 10 Marks	10
6.	Affiliation with recognized Global Firms	---	5
TOTAL			100

Note: Firms, which attain minimum 65 marks shall be considered pre-qualification. Only the Prequalified Firms will be entitled to participate in further bidding process.

Annexure-E

List of Partners in the Firm

S No.	Name	ICAP membership No.	ACA/ FCA	Office

Authorized Signature:

Name and Title of Signatory:

Annexure-F

List of Qualified Accountants Employed (Other Than Partners)

Sr. No.	Name	Membership No.	ACA/FCA/CIM A/ICMA/ACCA	Designation	Office

Authorized Signature:

Name and Title of Signatory:

Annexure-G

Experience of Similar Assignments (Investigation/Inspection) during last 5 years

Sr. No.	Name of Organization	Audit Year	Nature of assignment	Contact Information

Authorized Signature:

Name and Title of Signatory:

Annexure-“H”

Audit Experience of Public Interest Company & Large Sized Company (as defined in the Third Schedule of the Companies Act, 2017) During Last Five Years

Sr. No.	Name of Organization	Audit Year	Contact Information

Authorized Signature:

Name and Title of Signatory: