



*Embassy of the United States of America
Tashkent, Uzbekistan*

Date:

March 11, 2021

**Address: U.S. Embassy Tashkent
3 Mayqorghon Street, Tashkent
Uzbekistan 100093**

**Minutes From Pre-Bid Conference of 03/11/2021
Request for Quotation (RFQ) Number 19UZ8021Q0022**

Introduction

Contracting Officer, Kelly Buenrostro, welcomed all attendees, and introduced U.S. Embassy Tashkent Team:

Peter Christiansen - Contracting Officer
Eric Salzman – Economic Officer
Michael Cofield - Commercial Law Development Program
Shukhrat Arifdjanov – Procurement Supervisor
Irina Mezentseva – Procurement Agent
Farida Makhmudova – Procurement Agent
Tursun Mahkamov and Marina Guledani – Capital Market Development Agency
representatives

Preamble

The meeting purpose is pre-proposal discussion for a contract for Law drafting Services for the Embassy of the United States of America in Tashkent, Uzbekistan in accordance with Performance Work Statement paragraph 1, Section 1, page 5.

The U.S. Government intends to award a contract to the responsible company submitting an acceptable quotation at the lowest price. We intend to award a contract/purchase order based on initial quotations, without holding discussions, although we may hold discussions with companies in the competitive range if there is a need to do so.

Before starting of discussion of the Solicitation Package, we want to point two main requirements. The first is to read the solicitation document very carefully, and the second, to submit proposal in compliance with solicitation requirements.

If you worked in past with US Embassy but did not submit proposal in compliance with our solicitation it does not mean that you will be awarded. Section 3 on page 26 provides clear instructions what must be included to complete your proposal package. Section 4 on page 30 provides criteria exactly what we will use to evaluate your proposal. If something is not on this list than it will not be evaluated.

The U.S. Embassy strongly emphasizes transparency of the tender and equal conditions for participation.

If you have any questions, it must come to in writing in e-mail

Tashkentprocurement@state.gov. We will set a deadline for questions and then we will collect all questions and answers and send them to your e-mails in the same time. That is the way I would like to work, to make a transparency and that will help you to make accurate calculation.

Questions from pre-bid conference and that we receive by 14.00 p.m. tomorrow will be published with the answers on Embassy web site.

The Solicitation documents will be reviewed by the Contracting Officer.

Then, I will turn you to the Procurement offices who will explain you how to complete FS-1449.

Shukhrat Arifdjanov:

It was noted that proposals should be submitted no later than 11 am Tashkent time on March 17, 2021. Proposals submitted late will not be accepted for consideration.

Proposals must be in a sealed envelope marked “Quotation 19UZ8021Q0022 Enclosed”.

In order for a proposal to be considered, you must also complete and submit the following:

SF-1449, Section 12, 17, 23, 24, 30.

Where:

12 – Discount terms (if any)

17 – Company name

23 – Price table in page 6

24 – Price table in page 6

30 – Name and title, signature and date

The successful offeror(s) will be required to have a DUNS number and be registered in SAM/CCR through the following sites: DUNS – www.dnb.com and SAM/CCR www.sam.gov .

Section – 1 in page 5

PERFORMANCE WORK STATEMENT

A.The purpose of this firm fixed IDIQ Contract to a qualified legal firm to provide support for drafting legislation services in accordance with Scope of Work.

B.The contract will be for a one-year period from the date of the contract award.

MINIMUM AND MAXIMUM AMOUNTS

During this contract period, the Government shall place orders totaling a minimum of \$100. This reflects the contract minimum for this period of performance. The amount of all orders shall not exceed \$150,000. This reflects the contract maximum for this period of performance.”

II. PRICING

#	Services	Estimated numbers	Price per hour	Total cost
1	Technical services provided to the U.S. Embassy in Tashkent to prepare new draft laws based on model provisions provided by CLDP.	1000 hours		
2	VAT 15%	VAT 15%		
		Total cost without VAT 15%		
		Total cost with VAT 15%		

VALUE ADDED TAX – page 6

VALUE ADDED TAX. Value Added Tax (VAT) is not included in the CLIN rates. Instead, it will be priced as a separate Line Item in the contract and on Invoices. Local law dictates the portion of the contract price that is subject to VAT; this percentage is multiplied only against that portion. It is reflected for each performance period. The portions of the solicitation subject to VAT are:

DESCRIPTION/SPECIFICATIONS/WORK STATEMENT – page 7 through 10

STATEMENT OF WORK

1. Background

a. In October 2019, the President of the Republic of Uzbekistan directed Capital Markets Development Agency (the “CMDA”) and the Uzbekistan Ministry of Justice to prepare new draft laws (1) on the Regulator; and (2) On the Capital Markets (the “Draft Laws”) and to consolidate all relevant laws, acts, and decrees into a single, simple, and flexible capital markets code (the “Capital Markets legislative reform project”).

b. In February 2020, then-U.S. Secretary of State Pompeo announced that the U.S. Government was allocating \$1 million to support CMDA, including through the acquisition of legal services, in its assigned task of updating and reforming Uzbekistan’s laws regarding the capital markets regulator and the capital markets. The U.S. Department of Commerce’s Commercial Law

Development Program (CLDP) has been chosen to lead the Capital Markets legislative reform project within the U.S. government, but has no formal presence in Uzbekistan.

c. CLDP will apply funding allocated from the Department of State to award an Indefinite Delivery/Indefinite Quantity (IDIQ) Contract and pay a Tashkent-based, English-language capable law firm that will carry out legal drafting of the Draft Laws.

d. To contract with the law firm, the U.S. Embassy in Tashkent will enter into a contract with a law firm, (the “Contractor”). The Contractor will organize a Drafting Team of lawyers to perform the duties detailed in the following paragraphs. In the performance of these duties, the Contractor will report to a Contracting Officers Representative (COR) to be identified at the U.S. Embassy in Tashkent and to CLDP’s Program Manager for Central Asia, at the frequency described below.

e. The contract will be for one year, with deliverables due in the first three months, per the timetable set forth in Section 3.

2. Legal Services Related to the Draft Laws

a. CLDP has assembled an Advisors’ Group to identify model securities laws and provisions and/or checklists of key elements of successful securities laws regimes which capture international best practices in the area of capital markets regulations and which foreign investors will expect to see in Uzbekistan’s Draft Laws.

b. After receiving input from the Advisors’ Group, CLDP will provide CMDA the model laws and provisions and/or checklists of key elements identified by the Advisors’ Group.

c. CMDA will determine which model laws, provisions, and/or key elements must be included in the Draft Laws and will provide those to CLDP for translation into Russian and transmission, in English and Russian, and on a rolling basis, to the Drafting Team.

d. Based on the model laws, provisions, or key elements received, the Drafting Team will prepare the Draft Laws as cohesive statutes, including sections or individual provisions provided by CMDA, and circulate through CLDP the drafted Laws, sections, or provisions to CMDA and to the Advisors’ Group for review and comment.

e. The Drafting Team will work to ensure that the Draft Laws, sections, or provisions are in compliance with the Constitution of the Republic of Uzbekistan and in keeping with legislation drafting practice in Uzbekistan.

f. The Drafting Team will draft in Russian.

g. Relying on an inventory of the current laws and regulations prepared by CMDA in Uzbekistan regarding the capital markets and related topics, (the Перечень действующих НПА в Республике Узбекистана о рынке капитала/Inventory of Current Capital Market Laws and Regulations in the Republic of Uzbekistan, hereinafter the “Перечень/Inventory”), the Drafting Team will identify and list the laws, regulations, and provisions currently in force in the Republic of Uzbekistan (the “List of Identified Current Laws,”) the subject of which the Draft Laws will cover and which the Draft Laws will potentially supersede.

h. The Drafting Team will provide the completed Draft Laws, sections, or provisions, as well as the List of Identified Current Laws to CLDP for distribution to CMDA and for translation into English for distribution to the Advisors' Group, for review and comment, including sections or individual provisions as they are completed.

i. The Advisors' Group, through CLDP, will provide its comments on the Draft Laws, sections or provisions and the List of Identified Current Laws to CMDA.

j. CMDA will determine which comments to incorporate into the finalized Draft Laws, and will analyze and edit, as necessary, the List of Identified Current Laws and will provide those selected comments and the edited List of Identified Current Laws to CLDP to provide to the Drafting Team. CLDP will provide the selected comments and the edit List of Identified Current Laws to the Drafting Team in English and in Russian.

k. The Drafting Team will finalize the Draft Laws by incorporating the comments CMDA has selected for inclusion in the finalized Draft Laws and by incorporating notations regarding the edited List of Identified Current Laws (the "Finalized Draft Laws") and will provide the Finalized Draft Laws, including sections or individual provisions to CLDP.

l. CMDA, the Drafting Team, CLDP, and the Advisors' Group will repeat any of the above-described processes required to assist the Drafting Team and CMDA to finalize the Draft Laws;

m. CLDP will submit a complete and final copy of the Finalized Draft Laws to the U.S. Embassy Tashkent.

3. Contractor's and CLDP's Deliverables Schedule

Task No.	Due Date
2.d-h	Within 10 business days from commencement of work and/or from receipt of model provision(s) on a rolling basis.
2.k items identified in Task 2.j.	Within 5 business days of receipt of the
2.l-m	TBD.

4. Reporting and Billing

a. While completing the tasks set forth in paragraphs 1.a-x above, the Contractor will report on a weekly basis to the COR and to CLDP (the "Report") and will be available for weekly meetings or videoconferences with the COR and with CLDP.

b. The Report will include a written update regarding the progress of completing the Draft Laws in a format to be agreed with the COR and CLDP upon commencement of work.

c. When making the weekly Report, the Contractor will also provide the COR and CLDP with any sections, provisions, or Draft Laws completed that week.

d. Every two weeks, the Contractor will provide an invoice detailing the hours spent on the Capital Markets legislative reform project by the Drafting Team during the previous two weeks.

These invoices will use a format to be agreed with the COR and CLDP upon commencement of work.

5. Qualification requirements

Requirement 1: Contractor must provide documented proof that it has been in operation as an ongoing business (law firm, law office, or attorney operating as a sole proprietor) for at least 3 years.

Requirement 2: Contractor must provide documented proof that it has previous specific experience in matters of securities laws and/or capital markets generally and/or in legislative drafting in the Republic of Uzbekistan specifically.

Requirement 3: Contractor must provide documented proof that all the employees/subcontractors who will be part of the team to be assembled by Contractor, if awarded a contract under the present solicitation, have the following attributes:

A. Each is licensed to practice law and/or are otherwise qualified to draft legislation in the Republic of Uzbekistan.

B. Collectively, the employees/subcontractors have sufficient proficiency in the English language to prepare the Draft Laws in English.

Requirement 4: Contractor must provide documented proof that the team to be assembled by the contractor, if awarded a contract under the present solicitation, will be led by a Senior Lawyer, and that this Senior Lawyer has specific experience in matters of securities laws and/or capital markets generally and/or in legislative drafting, in the Republic of Uzbekistan, specifically.

While not a requirement, a preference will be given, among several offerors, to the one whose proposed team members have the most significant record of demonstrated experience, legal scholarly work, legal publications, or legal teaching, in matters related to securities law and/or security markets in Uzbekistan or abroad.

Requirement 5: Contractor must be located in Tashkent or have sufficient presence in Tashkent to allow for meetings with CLDP and/or U.S. Embassy personnel at the reasonable discretion of CLDP and/or the U.S. Embassy.

Now we can start Questions and answers:

Q: Should hourly rate for technical services provided to the U.S. Embassy in Tashkent to prepare new draft laws based on model provisions be calculated for each participant or the whole working group?

A: For the whole working group.

Q: Will a product have to be in compliance with the Constitution of the Republic of Uzbekistan?

A: Absolutely, the Drafting Team will have to work to ensure that the Draft Laws, sections, or provisions are in compliance with the Constitution of the Republic of Uzbekistan and in keeping with legislation drafting practice in Uzbekistan.

Q: Does the contractor have to be located in Tashkent?

A: Contractor must be located in Tashkent or have sufficient presence in Tashkent to allow for meetings with CLDP and/or U.S. Embassy personnel at the reasonable discretion of CLDP and/or the U.S. Embassy

After Q&A part of the meeting Capital Market Development Agency representative Marina Guledani thanked all for participation in the Pre-Bid Conference.

Conclusion

We hope that the information obtained will help you to provide acceptable and mutually beneficial offers. All questions might be asked during the meeting or send via electronic mail to address TashkentProcurement@state.gov. We will send the answers to all the companies, that will reflect the transparency of the tender and equal conditions for participation.

Deadline for the questions is March 12, 2021 at 14.00

When decision is made, we will inform all in writing about its results, announce the winning company, and separately, each company will be informed why it did not win the tender.

The conference concluded and attendees were thanked for their presence and expression of interest in serving the U.S. Government. The meeting was adjourned.