

# **Expression of Interest (EOI)**

## **Prequalification of Consultants/Sector Specialists**

**For**

**Conducting Comprehensive Competition Assessment/Research Studies,  
and/or providing assistance in Policy Notes on Different Sectors of Pakistan  
Economy and on Consumer Protection issues**



**COMPETITION COMMISSION OF PAKISTAN  
GOVERNMENT OF PAKISTAN  
9<sup>TH</sup> FLOOR, ISE TOWERS, JINNAH AVENUE, ISLAMABAD.  
Tel: 0092-51-9100260-63, 9100250, Fax: 0092-51-9100258**

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# COMPETITION COMMISSION OF PAKISTAN

## Government of Pakistan

Advertisement No. CCP Admin-70

### EXPRESSION OF INTEREST (EOI) Pre-Qualification of Consultants/Sector Specialists

The Competition Commission of Pakistan (CCP) invites Expression of Interest for pre-qualification from reputed Consultants/Sector Specialists for conducting comprehensive Competition Assessment/Research Studies and/or providing assistance in Policy Notes on the following sectors of Pakistan economy:

- |   |   |
|---|---|
| (i) Cement                                      | (vii) Pharmaceutical  |
| (ii) Energy (Electric Power & Renewable energy) | (viii) Poultry  |
| (iii) Ghee/Cooking Oil                          | (ix) Education  |
| (iv) Sugar                                      | (x) Road Construction   |
| (v) Wheat                                       | (xi) Steel Sector   |
| (vi) Banking                                    | (xii) Market Study on Consumer Protection Issues in different sectors |

The detailed EOI documents may be downloaded from CCP website [www.cc.gov.pk](http://www.cc.gov.pk), or PPRA website ([www.ppra.gov.pk](http://www.ppra.gov.pk)) or may be obtained from the undersigned.

The Expression of Interest prepared in accordance with instructions contained in the EoI documents must reach at the given address, by the **3<sup>rd</sup> December, 2020 upto 1130** hours which will be opened on the same day and same venue at **1200** hours in the presence of applicants.

Joint Director (Admin)  
Competition Commission of Pakistan  
Government of Pakistan  
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## **1. Introduction:**

The Competition Commission of Pakistan (hereinafter “the CCP”) is an independent quasi-regulatory, quasi-judicial body established on October 02, 2007 under the Competition Ordinance, 2007, which was later enacted as Competition Act, 2010. The Competition Act prohibits undertakings from abusing a dominant position in the market, participating in anti-competitive agreements, and resorting to deceptive marketing practices that could result in a transaction based on incorrect or inaccurate information. It also reviews mergers between undertakings that could result in impediments to effective competition. Through advocacy, the Commission encourages voluntary compliance and promotes a ‘competition culture’ to take root in the economy. Section 28(1)(b) of the Competition Act requires the Commission to conduct studies for promoting competition in all sectors of the economy and Section 29(b) empowers the Commission to promote competition by reviewing policy frameworks making suitable recommendations for fostering competition.

## **2. Objective of inviting Expression of Interest**

The CCP seeks Expression of Interest from reputable consultants/sector specialists for prequalification/shortlisting, for conducting comprehensive Competition Assessment/Research Studies, and/or providing assistance in Policy Notes, as per their areas of interest, on the following sectors of Pakistan economy:

- |   |   |
|---|---|
| (i) Cement                                      | (vi) Banking  |
| (ii) Energy (Electric Power & Renewable energy) | (vii) Pharmaceutical  |
| (iii) Ghee/Cooking Oil                          | (viii) Poultry  |
| (iv) Sugar                                      | (ix) Education  |
| (v) Wheat                                       | (x) Road Construction   |
|   | (xi) Steel Sector   |
|   | (xii) Market Study on Consumer Protection Issues in different sectors |

## **3. Instructions to Applicants:**

- i) The purpose of EOI documents together with “Generalized ToRs” is to provide orientation for submission of Expression of Interest. The detailed ToRs in respect of each sector study along with “request for financial proposal” will be provided to the prequalified consultant/applicant.
- ii) The Consultants/Sector Specialists must possess expertise, capabilities, experience of similar work, and adequate resources to carryout tasks as per ToRs.
- iii) The Consultancy firms may also apply for prequalification.
- iv) The Consultant/Sector Specialist may choose ONE or MORE sectors from above mentioned sectors for offering EoIs. EoI/application(s) for prequalification must be submitted separately in respect of each sector, in sealed envelope clearly indicating name of SECTOR in CAPITAL LETTERS on the top of envelope.

- v) The EoIs will be evaluated for prequalification by the Selection Committee in the light of evaluation criteria. Only shortlisted/prequalified applicants shall be entitled to participate further in the procurement proceedings.
- vi) The CCP reserves the right to cross-check and verify the information provided by the applicants through any source. If any false, materially inaccurate, or incomplete information is found at any stage, the applicant shall be disqualified.
- vii) The CCP reserves the right to reject any EoI or drop the procuring process at any time prior to signing of service contract in light of Rule 33 of PPRA Rules.
- viii) The EoI must be submitted along with following and contain all required information as per prescribed formats:
  - a) CVs of Consultants, team members, individuals etc.
  - b) Details of specific & relevant past performance
  - c) Details of ongoing relevant activities (if any)
  - d) Describe research methodology to be used in conducting sector studies/competition assessment.

#### **4. Eligibility Criteria:**

The Consultant/Sector Specialist not meeting the following mandatory requirements will not be considered for evaluation/prequalification:

- a. The Consultants/Sector Specialists should have National Tax Number; and be on Active Taxpayer List (attach proof);
- b. The Consultant/Sector Specialist should not be blacklisted by government or any other organization (attach affidavit).
- c. Consultants/Sector Specialists should have experience of conducting sector studies, market research/reports and provision of services, in the respective field(s) as mentioned at para 2 above.

#### **5. Collection of documents:**

Interested Consultants/Sectors Specialist may obtain the EOI documents/ToRs from CCP's office or may download from websites of CCP [www.cc.gov.pk](http://www.cc.gov.pk), or PPRA [www.ppra.org.pk](http://www.ppra.org.pk).

#### **6. Validity of EoI**

The EoI submitted by the applicants shall be valid for a period of one (01) year, which may be extended, if required by the CCP.

#### **7. Conflict of Interest:**

The Consultant/Sector Specialist shall inform in writing to the CCP if any conflict of interest exists or may arise. The CCP reserves the right to reject the EoI based on actual and potential conflict of interest. Failure to bring in the notice of CCP regarding any possible conflict of interest will cause invalidation/cancellation of prequalification by CCP.

**8. Deadline for submission of EoI:**

The EOI complete in all respect along with required documents in accordance with instructions contained in EOI documents, must reach the undersigned at the given address by the **3<sup>rd</sup> December, 2020 upto 1130** hours which will be opened on the same day and same venue at **12:00** noon in the presence of applicants or their authorized representatives. The EoI received after deadline will not be entertained.

Joint Director (Admin)  
Competition Commission of Pakistan,  
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Jinnah Avenue, Islamabad  
Phone: 0092-51-9100260-63, 9100250, Fax: 0092-51-9100258

**C.V OF CONSULTANTS/SECTOR SPECIALISTS**

1.	<b>Name of Consultant</b>	
2.	<b>Postal Address</b> (with phone numbers – landline & mobile, email, and fax)	
3.	<b>Education:</b> (Give detail of degrees obtained, certifications, names of college, university attended, along with dates). <i>Provide copies of degrees</i>	
4.	<b>Computer Skills</b>	
5.	<b>Employment record</b> (Give information relating to positions held, dates from/to, names of employers, etc.)	
6.	<b>Professional Experience</b> (major assignments/tasks completed, duration of tasks, activities performed, client reference, etc) <i>provide copies of certificates</i>	
7.	<b>Key areas of Expertise</b>	
8.	<b>Personal details</b> (Age, CNIC No/passport No., etc), <i>provide copy of CNIC</i>	

Certification

I hereby certify that to the best of my knowledge and belief, the information provided in CV describes my abilities, qualifications, experience and expertise correctly.

(Signature)

(Name of applicant)

**FORMAT-2**

**DETAILS OF SPECIFIC & RELEVANT PAST PERFORMANCE DURING THE LAST FIVE YEARS.**

<b>S#</b>	<b>Description of services provided</b>	<b>Name of clients/ organizations (name of focal person, phone numbers, email)</b>	<b>Duration of contract</b>	<b>Start date</b>	<b>Completion date</b>	<b>Consultancy /order cost</b>

(Provide comprehensive details to describe your relevant experience and past performance,)

(Attach proof of order and certificate of completion)

(Signature)

(Name of applicant)



**FORMAT-3**

**DETAILS OF ONGOING RELEVANT ACTIVITIES (IF ANY)**

<b>S#</b>	<b>Description of services</b>	<b>Name of clients/ organizations (name of focal person, phone numbers, email)</b>	<b>Duration of contract</b>	<b>Start date</b>	<b>Expected Completion date</b>	<b>Consultancy /order cost</b>

(Attach proof of order/assignment)

(Signature)  
(Name of applicant)

(ANNEX-A)

**EVALUATION CRITERIA FOR PRE-QUALIFICATION OF  
CONSULTANTS/SECTOR SPECIALISTS**

<b>S#</b>	<b>Criteria</b>	<b>Points</b>
1.	<p>Past performance:</p> <p>Research studies/competition assessment studies/ sectoral studies, reports (published), on the sectors selected by CCP, with any government, semi-government, autonomous organizations/ regulatory body/ private institutions – during last five years:</p> <ul style="list-style-type: none"><li>• 08 or more studies/reports = 40 marks</li><li>• 06 or more studies/reports = 30 marks</li><li>• 04 or more studies = 20 marks</li><li>• 02 or more studies = 10 marks</li><li>• 01 study/report = 5 marks</li></ul>	40
2.	<p>Education and Professional Experience:</p> <p>a) Relevant Educational qualification: 20 marks</p> <ul style="list-style-type: none"><li>• Master’s degree and above in the relevant field: 20</li><li>• Bachelor Degree : 15</li></ul> <p>b) Professional experience of research, sectoral studies, sector analysis, and writing reports, etc. 20 marks</p> <ul style="list-style-type: none"><li>• Relevant Experience of more than 10 years = 20 marks</li><li>• Less than 10 but more than 7 years = 15 marks</li><li>• Less than 7 but more than 5 years = 10 marks</li><li>• Less than 05 = 0 marks</li></ul>	40
3.	<p>Performance Certificates from clients:</p> <ul style="list-style-type: none"><li>• Submission of three certificates = 10 marks</li><li>• Submission of two certificates = 7 marks</li><li>• Submission of one certificate = 4 marks</li></ul>	10
4.	<p>Methodology to be used for Research: 10 marks</p>	10

Minimum 60 marks will be required for prequalification.

# Competition Commission of Pakistan (CCP)

## Generalized ToRs

### Consultancy Services For Competition Assessment/Research Studies

#### **Objective:**

The objective of hiring consultancy services for competition assessment/research studies is to review the state of competition in the sector(s). To identify barriers to competition, growth, and efficiency both through anti-competitive practices<sup>1</sup> of market participants, and through the regulatory regime governing the sector. The assessment study and its recommendations will be utilized by the Commission as a diagnostic tool to carry out its enforcement and advocacy activities. The study will also provide a framework for future actions for policy makers including CCP.

#### **The key deliverables:**

##### **A. Historical Perspective of Sector, Sector Dynamics and Market Structure**

The respective study to encompass;

1. Historical development, sector dynamics in the last 10 years with respect to growth, including services/production, demand, and pricing/fee/charges, and its significance to economy, and consumers.
2. Linkages to other sectors, vertical, horizontal, and downstream. Identify the sector value chain (upstream, midstream and downstream, to end consumer).
3. Identify supply side, including local industry and import (where applicable),
4. Market share of players in the sector, level of competition in the sector, HHI to measure market concentration.
5. Identify the demand sources, share of imports and total domestic source in total demand (where applicable).
6. Identify and interpret contracts and agreements between parties in the value chain.
7. Duties and taxes applicable in the sector at each level of value chain.
8. Price/fee/charges determination for various categories. Review and analysis of factors affecting prices.
9. Level of competition in the sector, HHI to measure market concentration.
10. Price and non-price competition.
11. Barriers to competition in the market, upstream, mid-stream, and downstream to end consumers, effecting efficiency and competition in the sector.

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<sup>1</sup> Anti-competitive practices, under the Competition Act, 2010, Section 3, 4, 10 and 11.

12. Application of sector specific dynamics to identify possible anti-competitive indications in the sector.

**B. Regulatory Environment**

Study and examine the policy and regulatory environment governing the sector; upstream, midstream and downstream.

1. Policies and regulations of sector.
2. Rules and regulations applicable for establishing and organizing the business at each level of the value chain.
3. Regulations on pricing, taxation and subsidies.
4. Regulatory framework that may affect competition in the sector, and analysis of their impact on market dynamics.
5. Suggestions for policy review, to improve competitive dynamics. The review must include the latest policies and regulations.
6. Recommendations for improvement in regulatory framework, to improve competitive forces.

**C. Comparison of regional market, in terms of market structure, pricing and the regulatory environment where applicable.**

**D. Recommendations and way forward.**

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# **Competition Commission of Pakistan (CCP)**

## **ToRs**

### **Consultancy Services for Market Study on Consumer Protection Issues in different sectors**

#### **Objective:**

In a market economy, economic efficiency is a pre-requisite to safeguard well-functioning markets. ‘Suppliers’ engage in fair competition, provide consumers with full information on their products, observe all laws of safety and quality standards, and compensate consumers in case of a problems in their products or services. Where the ‘consumer’ is central to economic activity, at the same time, is vulnerable to exploitation by producers due to false and misleading information shared or provided, ignorance of his rights, and non-availability of redress mechanism. Furthermore consumers may suffer on account of asymmetric information and make unsatisfactory choices leading to economic loss.

The objective of hiring consultancy services for research study on consumer protection is to review consumer protection as a key part of competition law in Pakistan. To identify barriers to competition w.r.to deceptive marketing practices (consumer protection)<sup>2</sup> of market participants, and through the regulatory regime governing the sector. The assessment study and its recommendations will be utilized by the Commission as a diagnostic tool to carry out its enforcement and advocacy activities. The study will also provide a framework for future actions for policy makers including CCP.

#### **The key deliverables:**

##### **A. Historical Perspective of Sector, Sector Dynamics and Market Structure**

Section 10 of the Competition Act, 2010 ensures protection of consumer rights through prohibition of deceptive marketing practices, which include distribution of false and misleading information to a consumer that lacks reasonable basis related to price, character, method or place of production, properties, suitability for use, or quality of goods. The Act also includes consumer rights violations made through false or misleading comparison of goods in the process of advertising and fraudulent use of another’s registered trademark, firm name, product labelling or packaging.<sup>3</sup> In particular, the following areas need to be covered for different aspects of the consumer protection in the study;

1. Historical Background of the consumer protection in Pakistan

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<sup>2</sup> Anti-competitive practices, under the Competition Act, 2010, Section 10.

<sup>3</sup> [http://www.na.gov.pk/uploads/documents/1306740606\\_319.pdf](http://www.na.gov.pk/uploads/documents/1306740606_319.pdf)

2. Who is the consumer and what is the consumer interest?
3. Who are the sellers and consumers in the relevant market
4. Market share of the sellers and non-price competition of sellers.
5. Consumer associations and their functions.
6. Consumer information and education regarding consumer protection.
7. Issues identified by consumers with respect to labelling, advertising which is misleading and or fraudulent.

## **B. Regulatory Environment**

1. Role of Government/Provincial Governments in Consumer Protection.
2. Relevant laws of Consumer Protection in Pakistan and their significance.
3. Interface between consumer laws and other laws.
4. Consumer protection agencies in Pakistan for Consumer Protection.
5. Functions of consumer protection agencies.
6. The national product safety framework, product safety laws in Pakistan.
7. Consumer dispute resolution and redressal mechanism.

## **C. (a) International best practices of consumer protection and comparison with Pakistan. (b) The United Nations Guidelines for consumer protection**

### **D. Competition Assessment of Consumer Protection in Pakistan**

- a. Identify barriers to entry including natural, regulatory and strategic barriers
- b. Undertake cross country comparisons to identify gaps.

### **E. Recommendations and way forward**

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